Dr Franklin's Copy

B. Franklin's.

THE

# CHARTER

Granted by their Majesties

## King WILLIAM

AND

## Queen MARY,

TO THE

# INHABITANTS

OF THE

# PROVINCE

OF THE

## *Massachusetts-Bay*

IN

## NEW-ENGLAND.

*BOSTON*, in NEW-ENGLAND:

Printed by S. KNEELAND, by Order of His Excellency the GOVERNOR, COUNCIL and House of REPRESENTATIVES.

M, DCC, LIX.

# The CHARTER of the Province of the *Massachusetts-Bay* in *New-England*.

*WILLIAM* and *MARY*, by the Grace of GOD, King and Queen of *England*, *Scotland*, *France* and *Ireland*, Defenders of the Faith, &c. To all to whom these Presents shall come, Greeting. Whereas his late Majesty King *James* the first, Our Royal Predecessor, by his Letters Patents under the Great Seal of *England*, bearing Date at *Westminster* the third Day of *November*, in the eighteenth Year of his Reign, did give and grant unto the Council established at *Plymouth* in the County of *Devon*, for the Planting, Ruling, Ordering and Governing of *New England* in *America*, and to their Successors and Assigns, all that Part of *America* lying and being in Breadth from forty Degrees of Northerly Latitude, from the Equinoctial Line to the forty eighth Degree of the said Northerly Latitude, inclusively, and in Length of and within all the Breadth aforesaid throughout all the Main Lands from Sea to Sea, together also with all the firm Lands, Soils, Grounds, Havens, Ports, Rivers, Waters, Fishings, Mines and Minerals, as well Royal Mines of Gold and Silver, as other Mines and Minerals, Precious Stones, Quarries, and all and singular other Commodities, Jurisdictions, Royalties, Priviledges, Franchises and Preheminences, both within the said Tract of Land, upon the Main, and also within the Islands and Seas adjoining, Provided always, that the said Lands, Islands, or any the Premises by the said Letters Patents intended or meant to be granted, were not then actually possessed or inhabited by any other Christian Prince or State, or within the Bounds Limits or Territories of the Southern Colony, then before granted by the said late King *James* the first, to be planted by divers of his Subjects in the South Parts: To have and to hold, possess and enjoy, all and singular the aforesaid Continent Lands, Territories, Islands, Hereditaments, and Precincts, Seas, Waters, Fishings, with all and all manner of their Commodities, Royalties, Liberties, Preheminences and Profits that should from thenceforth arise from thence, with all and singular their Appurtenances, and every Part and Parcel thereof, unto the said Council, and their Successors and Assings for ever, to the sole and proper Use and Benefit of the said Council, and their Successors and Assigns forever: To be holden of his said late Majesty King *James* the first, his Heirs and Successors, as of his Manor of East *Greenwich* in the County of *Kent*, in free and common Sockage, and not in *Capite*, or by Knights Service: Yielding and Paying therefore to the said late King, his Heirs and Successors, the fifth Part of the Oar of Gold and Silver, which should from Time to Time, and at all Times then after happen to be found, gotten, had and obtained, in, at, or within any of the said Lands, Limits, Territories or Precincts, or in, or within any Part or Parcel thereof, for or in Respect of all and all manner of Duties, Demands and Services whatsoever, to be done, made or paid to the said late King *James* the first, his Heirs and Successors (as in and by the said Letters Patents, amongst sundry other Clauses, Powers, Priviledges and Grants therein contained, more at large appeareth:) and whereas the said Council established at *Plymouth* in the County of *Devon*, for the Planting, Ruling, Ordering and Governing of *New-England* in *America*, did by their Deed indented under their Common Seal, bearing Date the Nineteenth Day of *March*, in the third Year of the Reign of Our Royal Grand-Father King *Charles* the first, of ever blessed Memory, give, grant, bargain, sell, enfeoff, alien and confirm to Sir *Henry Rosewell*, Sir *John Young*, Knights, *Thomas Southcott*, *John Humphreys*, *John Endicott*, and *Simon Whetcombe*, their Heirs and Assigns, and their Associates for ever, all that Part of *New-England* in *America* aforesaid, which lies and extends between a great River there, commonly called *Manomack* alias *Merrimack*, and a certain other River there called *Charles River*, being in a Bottom of a certain Bay there commonly called *Massachusetts*, alias *Mattachusetts*, alias *Massatusetts-Bay*, and also all and singular those Lands and Hereditaments whatsoever, lying within the Space of three *English* Miles on the South Part of

Recital That King *James* I. granted to the Council at *Plymouth* in *Devon*,

All that Part of *America* from 40 to 48 Degrees Nor. Latitude.

To hold in Fee.

Paying the fifth Part of the Oar of Gold and Silver.

That the Council at *Plymouth* granted to Sir *Henry Rosewell* & others.

Part of *New-England* by certain Bounds.

of the said *Charles River*, or of any and every Part thereof; and also all and singular the Lands and Hereditaments whatsoever, lying and being within the Space of three *English* Miles to the Southward of the southermost Part of the said Bay, called *Massachusetts*, alias *Mattachusetts*, alias *Massatusetts-Bay*; and also all those Lands and Hereditaments whatsoever which lie and be within the Space of three *English* Miles to the Northward of the said River called *Manomack* alias *Merimack*, or to the Northward of any and every Part thereof, and all Lands and Hereditaments whatsoever lying within the Limits aforesaid North and South in Latitude, and in Breadth, and in Length, and Longitude, of and within all the Breadth aforesaid throughout the main Lands there, from the *Atlantick* and Western Sea and Ocean on the East Part to the South Sea on the West Part, and all Lands and Grounds, Place and Places, Soil, Woods and Wood-Grounds, Havens, Ports, Rivers, Waters, Fishings and Hereditaments whatsoever, lying within the said Bounds and Limits, and every Part and Parcel thereof; and also all Islands lying in *America* aforesaid, in the said Seas, or either of them on the Western or Eastern Coasts or Parts of the said Tracts of Land, by the said Indenture mentioned to be given and granted, bargained, sold, enfeoffed, alien'd and confirmed, or any of them; and also all Mines and Minerals, as well Royal Mines of Gold and Silver, as other Mines and Minerals whatsoever in the said Lands and Premisses, or any Part thereof, and all Jurisdictions, Rights, Royalties, Liberties, Freedoms, Immunities, Priviledges, Franchises, Preheminences and Commodities whatsoever, which they the said Council established at *Plymouth* in the County of *Devon*, for the Planting, Ruling, Ordering and Governing of *New-England* in *America*, then had, or might use, exercise or enjoy, in or within the said Lands and Premises, by the same Indenture mentioned to be given, granted, bargained, sold, enfeoffed and confirmed, in or within any Part or Parcel thereof: To have and to hold the said Part of *New-England* in *America*, which lies and extends, and is abutted as aforesaid, and every Part and Parcel thereof; and all the said Islands, Rivers, Ports, Havens, Waters, Fishings, Mines, Minerals, Jurisdictions, Franchises, Royalties, Liberties, Priviledges, Commodities, Hereditaments and Premises whatsoever, with the Appurtenances, unto the said Sir *Henry Rosewell*, Sir *John Young*, *Thomas Southcott*, *John Humphreys*, *John Endicott*, and *Simon Whetcombe*, their Heirs and Assigns and their Associates for ever, to the only proper and absolute Use and Behoof of the said Sir *Henry Rosewell*, Sir *John Young*, *Thomas Southcott*, *John Humphryes*, *John Endicott*, and *Simon Whetcombe*, their Heirs and Assigns and their Associates for evermore: To be holden of our said Royal Grand father King *Charles* the First, his Heirs and Successors, as of his Mannor of *East-Greenwich* in the County of *Kent*, in free and common Sockage, and not in *Capite* nor by Knights Service, yielding and paying therefore unto Our said Royal Grand-father, his Heirs and Successors, the fifth Part of the Oar of Gold and Silver which should from Time to Time, and at all Times hereafter happen to be found, gotten, had and obtained in any of the said Lands within the said Limits, or in or within any Part thereof, for and in Satisfaction of all Manner of Duties, Demands and Services whatsoever, to be done, made or paid to Our said Royal Grand-father, his Heirs or Successors (as in and by the said recited Indenture may more at large appear. And *Whereas* Our said Royal Grandfather in and by his Letters Patents under the Great Seal of *England*, bearing Date at *Westminster* the fourth Day of *March*, in the fourth Year of his Reign, for the Consideration therein mentioned, did grant and confirm unto the said Sir *Henry Rosewell*, Sir *John Young*, *Thomas Southcott*, *John Humphreys*, *John Endicott*, and *Simon Whetcombe*, and to their Associates after named, viz. Sir *Richard Saltonstall*, Knight, *Isaac Johnson*, *Samuel Aldersey*, *John Ven*, *Matthew Craddock*, *George Harwood*, *Increase Nowell*, *Richard Perry*, *Richard Bellingham*, *Nathaniel Wright*, *Samuel Vassall*, *Theophilus Eaton*, *Thomas Goffe*, *Thomas Adams*, *John Brown*, *Samuel Brown*, *Thomas Hutchins*, *William Vassall*, *William Pincheon*, and *George Foxcroft*, their Heirs and Assigns, all the said Part of *New-England* in *America*, lying and extending between the Bounds and Limits in the said Indenture expressed, and all Lands and Grounds, Place and Places, Soils, Woods and Wood Grounds, Havens, Ports, Rivers, Waters, Mines, Minerals, Jurisdictions, Rights, Royalties, Liberties, Freedoms, Immunities, Priviledges, Franchises, Preheminences and Hereditaments whatsoever; bargained, sold, enfeoffed and confirmed,

To hold in Fee.

paying &c.

That K. *James* I. by Letters Patents confirm'd to Sir *Henry Rosewell*, and others,

all those Lands before granted to them by the Council at *Plymouth*.

firmed, or mentioned or intended to be given, granted, bargained, ſold, enfeoffed, aliened and confirmed to them the ſaid Sir *Henry Roſwell*, Sir *John Young*, *Thomas Southcott*, *John Humphreys*, *John Endicott*, and *Simon Whetcombe*, their Heirs and Aſſigns, and to their Aſſociates for ever, by the ſaid recited Indenture: To have and to hold the ſaid Part of *New England* in *America*, and other the Premiſes thereby mentioned to be granted and confirmed, and every Part and Parcel thereof, with the Appurtenances, to the ſaid Sir *Henry Roſwell*, Sir *John Young*, Sir *Richard Saltonſtall*, *Thomas Southcott*, *John Humphreys*, *John Endicott*, *Simon Whetcombe*, *Iſaac Johnſon*, *Samuel Alderſey*, *John Ven*, *Matthew Craddock*, *George Harwood*, *Increaſe Nowell*, *Richard Perry*, *Richard Bellingham*, *Nathanael Wright*, *Samuel Vaſſall*, *Theophilus Eaton*, *Thomas Goffe*, *Thomas Adams*, *John Brown*, *Samuel Brown*, *Thomas Hutchins*, *William Vaſſall*, *William Pincheon*, and *George Foxcroft*, their Heirs and Aſſigns for ever, to their only proper and abſolute Uſe and Behoof for evermore: To be holden of our ſaid Royal Grandfather, his Heirs and Succeſſors, as of his Mannor of *Eaſt Greenwich* aforeſaid, in free and common Sockage, and not in *Capite* nor by Knights Service; and alſo yielding and paying therefore to Our ſaid Royal Grand-father, his Heirs and Succeſſors, the fifth Part only of all the Oar of Gold and Silver which from Time to Time and at all Times after ſhould be there gotten, had or obtained, for all Services, Exactions and Demands whatſoever, according to the Tenor and Reſervation in the ſaid recited Indenture expreſſed. And further Our ſaid Royal Grandfather by the ſaid Letters Patents did give and grant unto the ſaid Sir *Henry Roſwell*, Sir *John Young*, Sir *Richard Saltonſtall*, *Thomas Southcott*, *John Humphreys*, *John Endicott*, *Simon Whetcombe*, *Iſaac Johnſon*, *Samuel Alderſey*, *John Ven*, *Matthew Craddock*, *George Harwood*, *Increaſe Nowell*, *Richard Perry*, *Richard Bellingham*, *Nathanael Wright*, *Samuel Vaſſall*, *Theophilus Eaton*, *Thomas Goffe*, *Thomas Adams*, *John Brown*, *Samuel Brown*, *Thomas Hutchins*, *William Vaſſall*, *William Pincheon*, and *George Foxcroft*, their Heirs and Aſſigns, all that ſaid Part of *New-England* in *America*, which lies and extends between a great River commonly called *Monomack*, alias *Merimack-River*, and a certain other River there called *Charles River*, being in the bottom of a certain Bay there commonly called *Maſſachuſetts*, alias *Mattachuſetts*, alias *Maſſatuſetts-Bay*; and alſo all and ſingular thoſe Lands & Hereditaments whatſoever, lying within the Space of three *Engliſh* Miles, on the South Part of the ſaid River called *Charles River*, or of any or every Part thereof; and alſo all and ſingular the Lands and Hereditaments whatſoever, lying and being within the Space of three *Engliſh* Miles to the Southward of the ſouthermoſt Part of the ſaid Bay called *Maſſachuſetts*, alias *Mattachuſetts*, alias *Maſſatuſetts-Bay*; and alſo all thoſe Lands and Hereditaments whatſoever, which lie and be within the Space of three *Engliſh* Miles to the Northward of the ſaid River called *Monomack* alias *Merimack*, or to the Northward of any and every Part thereof, and all Lands and Hereditaments whatſoever lying within the Limits aforeſaid, North and South in Latitude, and Breadth, and in Length and Longitude, of and within all the breadth aforeſaid throughout the Main Lands there, from the *Atlantick* or Weſtern Sea and Ocean on the Eaſt Part, to the South Sea on the Weſt Part; and all Lands and Grounds, Place and Places, Soils, Woods and Wood-Lands, Havens, Ports, Rivers, Waters and Hereditaments whatſoever, lying within the ſaid Bounds and Limits, and every Part and Parcel thereof; and alſo all Iſlands in *America* aforeſaid, in the ſaid Seas, or either of them on the Weſtern or Eaſtern Coaſts or Parts of the ſaid Tracts of Lands, thereby mentioned to be given and granted, or any of them; and all Mines and Minerals, as well Royal Mines of Gold and Silver, as other Mines and Minerals whatſoever in the ſaid Lands and Premiſes, or any Part thereof; and free Liberty of Fiſhing in or within any of the Rivers and Waters within the Bounds and Limits aforeſaid, and the Seas thereunto adjoining; and of all Fiſhes, Royal Fiſhes, Whales, Balene, Sturgeon, and other Fiſhes of what Kind or Nature ſoever, that ſhould at any Time thereafter be taken in or within the ſaid Seas or Waters, or any of them, by the ſaid Sir *Henry Roſwell*, Sir *John Young*, Sir *Richard Saltonſtall*, *Thomas Southcott*, *John Humphreys*, *John Endicott*, *Simon Whetcombe*, *Iſaac Johnſon*, *Samuel Alderſey*, *John Ven*, *Matthew Craddock*, *George Harwood*, *Increaſe Nowell*, *Richard Perry*, *Richard Bellingham*, *Nathanael Wright*, *Samuel Vaſſall*, *Theophilus Eaton*, *Thomas Goffe*, *Thomas Adams*, *John Brown*, *Samuel Brown*, *Thomas Hutchins*, *William Vaſſall*, *William Pincheon*, and *George Foxcroft*, their

by certain Bounds and Deſcriptions.

Heirs

Heirs or Assigns, or by any other Person or Persons whatsoever there inhabiting, by them or any of them to be appointed, to fish therein. *Provided* always, that if the said Lands, Islands, or any the Premises before mentioned, and by the said Letters Patents last mentioned, intended and meant to be granted, were at the time of granting of the said former Letters Patents, dated the third Day of *November*, in the Eighteenth Year of the Reign of his late Majesty King *James* the first, actually possessed or inhabited by any other Christian Prince or State, or were within the Bounds, Limits or Territories of the said southern Colony then before granted by the said King, to be planted by divers of his loving Subjects in the South Parts of *America*, That then the said Grant of Our said Royal Grand-father should not extend to any such Parts or Parcels thereof so formerly inhabited, or lying within the Bounds of the Southern Plantation as aforesaid. But as to those Parts or Parcels so possessed or inhabited by any such Christian Prince or State, or being within the Boundaries aforesaid, should be utterly void: To have and to hold, possess and enjoy the said Parts of *New-England* in *America*, which lie, extend, and are abutted as aforesaid, and every Part and Parcel thereof; and all the Islands, Rivers, Ports, Havens, Waters, Fishings, Fishes, Mines, Minerals, Jurisdictions, Franchises, Royalties, Liberties, Privileges, Commodities, and Premises whatsoever, with the Appurtenances, unto the said Sir *Henry Roswell*, Sir *John Young*, Sir *Richard Saltonstall*, *Thomas Southcott*, *John Humphreys*, *John Endicott*, *Simon Whetcombe*, *Isaac Johnson*, *Samuel Aldersey*, *John Ven*, *Matthew Craddock*, *George Harwood*, *Increase Nowell*, *Richard Perry*, *Richard Bellingham*, *Nathanael Wright*, *Samuel Vassall*, *Theophilus Eaton*, *Thomas Goffe*, *Thomas Adams*, *John Brown*, *Samuel Brown*, *Thomas Hutchins*, *William Vassall*, *William Pincheon*, and *George Foxcroft*, their Heirs and Assigns for ever: To the only proper and absolute Use and Behoof of the said Sir *Henry Roswell*, Sir *John Young*, Sir *Richard Saltonstall*, *Thomas Southcott*, *John Humphreys*, *John Endicott*, *Simon Whetcombe*, *Isaac Johnson*, *Samuel Aldersey*, *John Ven*, *Matthew Craddock*, *George Harwood*, *Increase Nowell*, *Richard Perry*, *Richard Bellingham*, *Nathanael Wright*, *Samuel Vassall*, *Theophilus Eaton*, *Thomas Goffe*, *Thomas Adams*, *John Brown*, *Samuel Brown*, *Thomas Hutchins*, *William Vassall*, *William Pincheon*, and *George Foxcroft*, their Heirs and Assigns for evermore: To be holden of Our said Royal Grand-father, his Heirs and Successors, as of his Mannor of *East-Greenwich* in the County of *Kent*, within the Realm of *England*, in free and common Sockage, and not in *Capite* nor by Knights Service: And also yielding and paying therefore to Our said Royal Grandfather, his Heirs and Successors, the fifth Part only of all the Oar of Gold and Silver which from Time to Time and at all Times hereafter, should be gotten, had or obtained, for all Services, Exactions and Demands whatsoever. *Provided* always, and His Majesties express Will and meaning was, that only one fifth Part of all the Gold and Silver Oar abovementioned in the whole, and no more, should be answered, reserved or payable unto Our said Royal Grandfather, his Heirs and Successors, by Colour or Vertue of the said last mentioned Letters Patents, the double Reservations or Recitals aforesaid, or any Thing therein contained notwithstanding. And to the End that the Affairs and Business which from Time to Time should happen and arise concerning the said Lands, and the Plantations of the same, might be the better managed and ordered, and for the good Government thereof, Our said Royal Grandfather King *Charles* the first, did by his said Letters Patents create and make the said Sir *Henry Roswell*, Sir *John Young*, Sir *Richard Saltonstall*, *Thomas Southcott*, *John Humphreys*, *John Endicott*, *Simon Whetcombe*, *Isaac Johnson*, *Samuel Aldersey*, *John Ven*, *Matthew Craddock*, *George Harwood*, *Increase Nowell*, *Richard Perry*, *Richard Bellingham*, *Nathanael Wright*, *Samuel Vassall*, *Theophilus Eaton*, *Thomas Goffe*, *Thomas Adams*, *John Brown*, *Samuel Brown*, *Thomas Hutchins*, *William Vassall*, *William Pincheon*, and *George Foxcroft*, and all such others as should thereafter be admitted and made free of the Company and Society therein after mentioned, one Body corporate and politique in Fact and Name, by the Name of the Governour and Company of the *Massachusetts-Bay* in *New-England*, and did grant unto them and their Successors divers Powers, Liberties and Priviledges, as in and by the said Letters Patents may more fully and at large appear. And *Whereas* the said Governour and Company of the *Massachusetts-Bay* in *New-England*, by Vertue of the said Letters Patents did settle a Colony of the *English* in the said Parts of *America*, and

Provided they do not intrench on any former Possessions or Rights.

To hold in Fee,

paying, &c.

And made them a Body politic.

Whereupon they settled a Colony and it became very populous.

and divers good Subjects of this Kingdom, encouraged and invited by the said Letters Patents, did Transport themselves and their Effects into the same, whereby the said Plantation did become very populous, and divers Counties, Towns and Places, were created, erected, made, set forth, or designed within the said Parts of *America*, by the said Governour and Company for the Time being: And *whereas* in the Term of the *Holy Trinity*, in the thirty sixth Year of the Reign of our dearest Uncle King *Charles* the Second, a Judgment was given in Our Court of *Chancery* then sitting at *Wincheſter*, upon a Writ of *Scire facias*, brought and proſecuted in the said Court againſt the Governour and Company of the *Maſſachuſetts-Bay* in *New-England*, that the said Letters Patents of Our said Royal Grand Father King *Charles* the First, bearing Date at *Weſtminſter* the 4th Day of *March*, in the fourth Year of his Reign, made and granted to the said Governour and Company of the *Maſſachuſetts-Bay* in *New-England*, and the Enrollment of the same, ſhould be cancelled vacated and annihilated, and ſhould be brought into the said Court to be cancelled, (as in and by the said Judgment remaining upon Record in the said Court doth more at large appear:) And whereas ſeveral Perſons employed as Agents in behalf of Our ſaid Colony of the *Maſſachuſetts-Bay* in *New-England*, have made their humble Application unto us, That We would be graciouſly pleaſed by Our Royal Charter to incorporate Our Subjects in Our ſaid Colony, and to grant and confirm unto them ſuch Powers, Priviledges and Franchizes as in Our *Royal Wiſdom*, ſhould be thought moſt conducing to Our Intereſt and Service, and to the Welfare and happy State of Our Subjects in *New-England:* And We being graciouſly pleaſed to gratify Our ſaid Subjects; and alſo to the End Our good Subjects within Our Colony of *New-Plymouth* in *New England* aforeſaid, may be brought under ſuch a Form of Government, as may put them in a better Condition of Defence, and conſidering as well the granting unto them as unto Our Subjects in the ſaid Colony of the *Maſſachuſetts-Bay* Our Royal Charter, with reaſonable Powers and Priviledges, will much tend not only to the Safety, but to the flouriſhing Eſtate of Our Subjects in the ſaid Parts of *New-England*, and alſo to the advancing of the Ends for which the ſaid Plantations were at firſt encouraged; of Our ſpecial Grace, certain Knowledge, and meer Motion, have willed and ordained, and We do by theſe Preſents for Us, Our Heirs and Succeſſors Will and Ordain, That the Territories and Colonies commonly called or known by the Names of the Colony of the *Maſſachuſetts-Bay*, and Colony of *New Plymouth*, the Province of *Main*, the Territory called *Accada*, or *Nova-Scotia*; and all that Tract of Land lying between the ſaid Territories of *Nova-Scotia*, and the ſaid Province of *Main*, be erected, united and incorporated: And We do by theſe Preſents unite, erect and incorporate the ſame into one Real Province by the Name of our Province of the *Maſſachuſetts-Bay* in *New-England*; and of Our eſpecial Grace, certain Knowledge, and meer Motion, We have given and granted, and by theſe Preſents, for Us, Our Heirs and Succeſſors, do give and grant unto Our good Subjects, the Inhabitants of Our ſaid Province or Territory of the *Maſſachuſetts-Bay*, and their Succeſſors, all that Part of *New-England* in *America*, lying and extending from the great River commonly called *Monomack*, alias *Merimack*, on the North Part, and from three Miles Northward of the ſaid River to the *Atlantick* or Weſtern Sea or Ocean on the South Part, and all the Lands and Hereditaments whatſoever lying within the Limits aforeſaid, and extending as far as the outermoſt Points or Promontories of Land called *Cape-Cod*, and *Cape-Malabar* North and South, and in Latitude, Breadth, and in Length and Longitude, of and within all the Breadth and Compaſs aforeſaid throughout the main Land there, from the ſaid *Atlantick* or Weſtern Sea, and Ocean on the Eaſt Part towards the South Sea, or Weſtward as far as our Colonies of *Rhode-Iſland*, *Connecticut*, and the *Narraganſett Country:* And alſo all that Part and Portion of main Land, beginning at the Entrance of *Piſcataway Harbour*, and ſo to paſs up the ſame into the River of *Newichwannock*, and through the ſame into the furtheſt Head thereof, and from thence North-Weſtward, till one Hundred and twenty Miles be finiſhed, and from *Piſcataway Harbour* Mouth aforeſaid North-Eaſtward along the Sea Coaſt to *Sagadehock*, and from the Period of one Hundred and twenty Miles aforeſaid to croſs over Land to the one Hundred and twenty Miles before reckoned up into the Land from *Piſcataway Harbour* through *Newichwannock* River, and

That in 1684 in the Court of *Chancery* a Judgment was given that thoſe Letters Patents ſhould be cancelled vacated and annihilated, and ſhould be brought into Court to be cancelled.

The Agents of that Colony Petitioned to be reincorporated.

K. *William* & Q. *Mary* unite the *Maſſachuſet*, *New-Plymouth* and the Province of *Main* & *Nova-Scotia* &c. into one real Province.

And grant to the Inhabitants all thoſe Lands herein bounded and deſcribed.

and alſo the North Half of the Iſles of *Shoals*, together with the Iſles of *Capawock*, and *Nantucket* near *Cape-Cod* aforeſaid, and alſo the Lands and Hereditaments lying and being in the Country or Territory commonly called *Accada*, or *Nova-Scotia*, and all thoſe Lands and Hereditaments lying and extending between the ſaid Country or Territory of *Nova-Scotia*, and the ſaid River of *Sagadehock* or any Part thereof; and all Lands, Grounds, Places, Soils, Woods and Wood-Grounds, Havens, Ports, Rivers, Waters, and other Hereditaments and Premiſes whatſoever, lying within the ſaid Bounds and Limits aforeſaid, and every Part and Parcel thereof: And alſo all Iſlands and Iſlets lying within ten Leagues directly oppoſite to the main Land within the ſaid Bounds: And all Mines and Minerals, as well Royal Mines of Gold and Silver, as other Mines and Minerals whatſoever in the ſaid Lands and Premiſes, or any Part thereof.

To hold in Fee.

*To have and to hold*, the ſaid Territories, Tracts, Countries, Lands, Hereditaments, and all and ſingular other the Premiſes, with their and every of their Appurtenants to our ſaid Subjects the Inhabitants of our ſaid Province of the *Maſſachuſetts-Bay* in *New-England*, and their Succeſſors to their only proper Uſe and Behoof for evermore, *To be holden* of Us, our Heirs and Succeſſors, as of our Manor of *Eaſt-Greenwich*, in the County of *Kent*, by Fealty only in free and common Sockage: Yielding and paying therefore yearly to Us, Our Heirs and Succeſſors, the fifth Part of all Gold and Silver Oar, and Precious Stones which ſhall from time to time, and at all Times hereafter, happen to be found, gotten had and obtained in any of the ſaid Lands and Premiſes, or within any Part thereof: *Provided nevertheleſs*, and we do for Us, Our Heirs and Succeſſors grant and ordain, that all and every ſuch Lands, Tenements and Hereditaments, and all other Eſtates, which any Perſon or Perſons, or Bodies Politick or Corporate, Towns, Villages, Colleges or Schools, do hold and enjoy, or ought to hold and enjoy, within the Bounds aforeſaid, by or under any Grant or Eſtate duly made or granted by any General Court formerly held, or by Virtue of the Letters Patents herein before recited, or by any other Lawful Right or Title whatſoever, ſhall be by ſuch Perſon and Perſons, Bodies Politick and Corporate, Towns, Villages, Colleges, or Schools, their reſpective Heirs Succeſſors and Aſſigns for ever, hereafter held and enjoyed, according to the Purport and Intent of ſuch reſpective Grant, under and ſubject nevertheleſs to the Rents and Services thereby reſerved or made payable, any Matter or Thing whatſoever to the contrary notwithſtanding. *And provided alſo*, That nothing herein contained, ſhall extend, or be underſtood or taken, to impeach or prejudice any Right, Title, Intereſt or Demand, which *Samuel Allen* of *London*, Merchant, claiming from and under *John Maſon*, Eſq; deceaſed, or any other Perſon or Perſons, hath or have, or claimeth to have, hold or enjoy, of, into, or out of any Part or Parts of the Premiſes, ſituate within the Limits above mentioned: But that the ſaid *Samuel Allen*, and all and every ſuch Perſon and Perſons, may and ſhall have, hold and enjoy the ſame in ſuch Manner (and no other than) as if theſe Preſents had not been had or made. It being our further Will and Pleaſure, That no Grants or Conveyances of any Lands, Tenements or Hereditaments to any Towns, Colleges, Schools of Learning, or to any private Perſon or Perſons, ſhall be judged or taken, to be avoided or prejudiced, for, or by Reaſon of any want or defect of Form, but that the ſame ſtand and remain in force, and be maintained, adjudged, and have effect, in the ſame Manner as the ſame ſhould or ought before the Time of the ſaid recited Judgment, according to the Laws and Rules then and there uſually practiſed and allowed. *And* we do further, for Us, Our Heirs and Succeſſors, will, eſtabliſh, and ordain, That from henceforth for ever there ſhall be one Governour; one Lieutenant or Deputy-Governour; and one Secretary of Our ſaid Province or Territory, to be from time to time Appointed and Commiſſionated by Us, Our Heirs and Succeſſors; and eight and twenty Aſſiſtants, or Councellors, to be adviſing and aſſiſting to the Governour of Our ſaid Province or Territory for the Time being, as by theſe Preſents is hereafter directed and appointed: Which ſaid Councellors or Aſſiſtants are to be conſtituted, elected and choſen in ſuch Form and Manner as hereafter in theſe Preſents is expreſſed. *And* for the better Execution of Our Royal Pleaſure and Grant in this behalf, We do by theſe Preſents, for Us, Our Heirs and Succeſſors, nominate, ordain, make and conſtitute Our truſty and well-beloved *Simon Broadſtreet*, *John Richards*, *Nathanael*

Paying, &c.

All Lands, Hereditaments, &c. formerly granted to any Town, College or School of Learning, confirm'd.

A ſaving for *Samuel Allen*'s Claim.

Grants or Conveyances not prejudiced for want of Form.

And ordain that there ſhall be a Governor, Lieut-Governor and Secretary appointed by the King.

Eight and twenty Councellors to be choſen as hereafter is expreſs'd.

The Names of the firſt Councellors or Aſſiſtants.

*Nathanael Saltonſtall, Wait Winthrop, John Phillips, James Ruſſell, Samuel Sewall, Samuel Appleton, Bartholomew Gidney, John Hartborn, Eliſha Hutchinſon, Robert Pike, Jonathan Corwin, John Jolliffe, Adam Winthrop, Richard Middlecot, John Foſter, Peter Serjeant, John Lynde, Samuel Heyman, Stephen Maſon, Thomas Hinkley, William Bradford, John Walley, Barnabas Lothrop, Job Alcot Samuel, Daniel*, and *Silvanus Davis*, Eſqrs; the firſt and preſent Councellors or Aſſiſtants of Our ſaid Province; to continue in their ſaid reſpective Offices of Truſts of Councellors or Aſſiſtants until the laſt *Wedneſday* in *May*, which ſhall be in the Year of Our Lord, One Thouſand ſix Hundred ninety and three, and until other Councellors or Aſſiſtants ſhall be choſen and appointed in their Stead, in ſuch Manner as in theſe Preſents is expreſſed. And we do further by theſe Preſents conſtitute and appoint our truſty and well-beloved *Iſaac Addington*, Eſq; to be Our firſt and preſent Secretary of Our ſaid Province, during Our Pleaſure. And our Will and Pleaſure is, That the Governour of Our ſaid Province for the time being, ſhall have Authority, from time to time, at his Diſcretion, to aſſemble and call together the Councellors or Aſſiſtants, of Our ſaid Province for the time being: And that the ſaid Governour, with the ſaid Aſſiſtants or Councellors, or ſeven of them at the leaſt, ſhall and may from time to time hold and keep a Council for the ordering and directing the Affairs of Our ſaid Province. *And further*, We will, and by theſe Preſents for Us, Our Heirs and Succeſſors, do ordain and grant, that there ſhall and may be convened, held and kept by the Governour for the time being, upon every laſt *Wedneſday* in the Month of *May*, every Year, for ever, and at all ſuch other times as the Governour of Our ſaid Province ſhall think fit and appoint, a Great and General Court or Aſſembly; which ſaid Great and General Court or Aſſembly ſhall conſiſt of the Governour and Council or Aſſiſtants for the time being; and of ſuch Freeholders of Our ſaid Province or Territory as ſhall be from time to time elected or deputed by the major Part of the Freeholders, and other Inhabitants of the reſpective Towns or Places who ſhall be preſent at ſuch Elections; each of the ſaid Towns and Places being hereby impowered to elect and depute two Perſons and no more to ſerve for and repreſent them reſpectively in the ſaid Great and General Court or Aſſembly. To which Great and General Court or Aſſembly to be held as aforeſaid, We do hereby, for Us, Our Heirs and Succeſſors, give and grant full Power and Authority from time to time to direct, appoint and declare what Number each County, Town and Place ſhall elect and depute to ſerve for and repreſent them reſpectively in the ſaid Great and General Court or Aſſembly. *Provided always*, That no Freeholder, or other Perſon, ſhall have a Vote in the Election of Members to ſerve in any Great and General Court or Aſſembly to be held as aforeſaid, who at the time of ſuch Election ſhall not have an Eſtate of Freehold in Land within Our ſaid Province or Territory, to the Value of *Forty Shillings per Annum* at the leaſt; or other Eſtate to the Value of *Forty Pounds* Sterling: And that every Perſon who ſhall be ſo elected, ſhall, before he fit or act in the ſaid Great and General Court or Aſſembly, take the Oaths mentioned in an *Act of Parliament* made in the firſt Year of Our Reign, Intitled, *An Act for abrogating of the Oaths of Allegiance and Supremacy, and appointing other Oaths*, and thereby appointed to be taken inſtead of the Oaths of Allegiance and Supremacy: And ſhall make, repeat and ſubſcribe the Declaration mentioned in the ſaid Act, before the Governour or Lieutenant or Deputy Governour, or any two of the Aſſiſtants for the time being, who ſhall be thereunto authorized and appointed by Our ſaid Governour. And that the Governour for the time being ſhall have full Power and Authority from time to time, as he ſhall judge neceſſary, to Adjourn, Prorogue and Diſſolve all Great and General Courts or Aſſemblies met and conven'd as aforeſaid. And Our Will and Pleaſure is, and we do hereby, for Us, Our Heirs and Succeſſors, grant, eſtabliſh and ordain, that yearly, once in every Year for ever hereafter, the aforeſaid Number of eight and twenty Councellors or Aſſiſtants ſhall be by the General Court or Aſſembly newly choſen; *That is to ſay*, Eighteen at leaſt of the Inhabitants of, or Proprietors of Lands within the Territory formerly called the Colony of the *Maſſachuſetts-Bay*; and four at the leaſt of the Inhabitants of, or Proprietors of Lands within the Territory formerly called *New-Plymouth*; and three at the leaſt of the Inhabitants of, or Proprietors of Land within the Territory formerly called the *Province of Main*; and One at the leaſt of the Inhabitants of, or Proprietors of Land within the

To continue until *May*, 1693. and until Others are choſen.

Secretary appointed.

The Governor may aſſemble the Councellors and with ſeven hold a Council.

A General Court to be held the laſt Wedneſday of *May* annually &c.

To conſiſt of the Governor Council and ſuch Freeholders as ſhall be elected to repreſent the reſpective Towns

Each Town may elect two.

Qualification of the Electors

Oaths to be taken &c. by the Repreſentatives.

The Governor to Adjourn, Prorogue and Diſſolve the General Court

The Councellors to be choſen yearly, and their Qualification.

Territory lying between the River of *Sagadehock* and *Nova Scotia*. And that the ſaid Councellors or Aſſiſtants or any of them, ſhall or may at any time hereafter, be removed or diſplaced from their reſpective Places or Truſt of Councellors or Aſſiſtants by any Great or General Court or Aſſembly; and that if any of the ſaid Councellors or Aſſiſtants ſhall happen to die, or be removed, as aforeſaid, before the general Day of Election, that then, and in every ſuch Caſe, the Great and General Court or Aſſembly at their firſt ſitting, may proceed to a new Election of one or more Councellors or Aſſiſtants, in the Room or Place of ſuch Councellors or Aſſiſtants ſo dying or removed. And We do further grant and ordain, That it ſhall and may be lawful for the ſaid Governour, with the Advice and Conſent of the Council or Aſſiſtants, from time to time, to nominate and appoint Judges, Commiſſioners of *Oyer* and *Terminer*, Sheriffs, Provoſts, Marſhals, Juſtices of the Peace, and other Officers, to our Council and Courts of Juſtice belonging. *Provided always*, that no ſuch Nomination or Appointment of Officers be made without Notice firſt given, or Summons iſſued out ſeven Days before ſuch Nomination or Appointment, unto ſuch of the ſaid Councellors or Aſſiſtants as ſhall be at that time reſiding within Our ſaid Province. And Our Will and Pleaſure is, That the Governour, and Lieutenant or Deputy-Governour and Councellors or Aſſiſtants for the time being, and all other Officers to be appointed or choſen, as aforeſaid, ſhall, before the undertaking the Execution of their Offices and Places reſpectively, take their ſeveral and reſpective Oaths for the due and faithful Performance of their Duties in their ſeveral and reſpective Offices and Places; and alſo the Oaths appointed by the ſaid Act of Parliament made in the firſt Year of Our Reign, to be taken inſtead of the Oaths of Allegiance and Supremacy; and ſhall make, repeat and ſubſcribe the Declaration mentioned in the ſaid Act, before ſuch Perſon or Perſons as are by theſe Preſents herein after appointed: (*That is to ſay*,) The Governour of Our ſaid Province or Territory, for the time being, ſhall take the ſaid Oaths, and) make, repeat and ſubſcribe the ſaid Declaration before the Lieutenant or Deputy-Governour; or, in his Abſence, before any two or more of the ſaid Perſons hereby nominated and appointed the preſent Councellors or Aſſiſtants of Our ſaid Province or Territory, to whom We do by theſe Preſents give full Power and Authority to give and adminiſter the ſame to Our ſaid Governour accordingly. And after Our ſaid Governour ſhall be Sworn, and ſhall have ſubſcribed the ſaid Declaration, that then our Lieutenant or Deputy-Governour for the time being, and the Councellors or Aſſiſtants before by theſe Preſents nominated and appointed, ſhall take the ſaid Oaths, and make, repeat and ſubſcribe the ſaid Declaration before Our ſaid Governour: And that every ſuch Perſon or Perſons as ſhall (at any time of the annual Elections, or otherwiſe upon Death or Removal) be appointed to be the new Councellors or Aſſiſtants, and all other Officers to be hereafter choſen from time to time, ſhall take the Oaths to their reſpective Offices and Places belonging; and alſo the ſaid Oaths appointed by the ſaid Act of Parliament, to be taken inſtead of the Oaths of Allegiance and Supremacy; and ſhall make, repeat and ſubſcribe the Declaration mentioned in the ſaid Act, before the Governour, or Lieutenant or Deputy-Governour, or any two or more Councellors or Aſſiſtants; or ſuch other Perſon or Perſons as ſhall be appointed thereunto by the Governour for the time being: To whom we do therefore by theſe Preſents give full Power and Authority from time to time, to give and adminiſter the ſame reſpectively, according to our true meaning herein before declared, without any Commiſſion or further Warrant, to be had and obtained from Us, Our Heirs and Succeſſors in that Behalf. And Our Will and Pleaſure is, and We do hereby require and command, That all and every Perſon and Perſons hereafter by Us, Our Heirs and Succeſſors, nominated and appointed to the reſpective Offices of Governour, or Lieutenant or Deputy-Governour, and Secretary of Our ſaid Province or Territory (which ſaid Governour, or Lieutenant, or Deputy Governour, and Secretary of Our ſaid Province or Territory for the time being, We do hereby reſerve full Power and Authority, to Us, our Heirs and Succeſſors to nominate and appoint accordingly) ſhall before he or they be admitted to the Execution of their reſpective Offices, take as well the Oath for the due and faithful Performance of the ſaid Offices reſpectively, as alſo the Oaths appointed by the ſaid Act of Parliament, made in the ſaid firſt Year of Our Reign, to be taken inſtead of the ſaid Oaths of Allegiance and Supremacy; and ſhall alſo make

repeat

To be ſupplied upon Occaſion.

Judges, Sheriffs, Juſtices, to be appointed.

Governor Lieutenant Governor, Councellors & other Officers to take the Oaths, &c.

Before whom.

repeat and subscribe the Declaration appointed by the said Act in such Manner and before such Persons as aforesaid. And further Our Will and Pleasure is, and We do hereby for Us, Our Heirs and Successors, grant, establish and ordain, that all and every of the Subjects of Us, Our Heirs and Successors, which shall go to and inhabit within Our said Province and Territory, and every of their Children which shall happen to be born there, or on the Seas in going thither, or returning from thence, shall have and enjoy, all Liberties and Immunities of free and natural Subjects within any of the Dominions of Us, Our Heirs and Successors, to all Intents, Constructions and Purposes whatsoever, as if they and every of them were born within this Our Realm of *England*. And for the greater Ease and Encouragement of Our loving Subjects inhabiting Our said Province or Territory of the *Massachusetts-Bay*, and of such as shall come to inhabit there, We do by these Presents, for Us, Our Heirs and Successors, grant, establish and ordain, that for ever hereafter there shall be a Liberty of Conscience allowed in the Worship of God to all Christians (except Papists) inhabiting or which shall inhabit or be resident within Our said Province or Territory. And We do hereby grant and ordain, That the Governour, or Lieutenant, or Deputy-Governour of Our said Province or Territory, for the time being, or either of them, or any two or more of the Council or Assistants for the time being, as shall be thereunto appointed by the said Governour, shall and may at all times, and from time to time hereafter, have full Power and Authority to administer and give the Oaths appointed by the said Act of Parliament, made in the first Year of Our Reign, to be taken instead of the Oaths of Allegiance and Supremacy, to all and every Person and Persons which are now inhabiting or residing within Our said Province or Territory, or which shall at any time or times hereafter go or pass thither. And We do of Our further Grace, certain Knowledge and meer Motion, grant, establish and ordain, for Us, Our Heirs and Successors, that the Great and General Court or Assembly of Our said Province or Territory for the time being, convened as aforesaid, shall for ever have full Power and Authority to erect and constitute Judicatories and Courts of Record, or other Courts, to be held in the Name of Us, Our Heirs and Successors; for the hearing, trying and determining of all Manner of Crimes, Offences, Pleas, Processes, Plaints, Actions, Matters, Causes and Things whatsoever, arising or happening within Our said Province or Territory; or between Persons inhabiting or residing there; whether the same be criminal or civil, and whether the said Crimes be capital or not capital, and whether the said Pleas be real, personal or mixt; and for the awarding and making out of Execution thereupon: To which Courts and Judicatories, We do hereby, for Us, Our Heirs and Successors, give and grant full Power and Authority, from time to time to administer Oaths for the better Discovery of Truth in any Matter in Controversy or depending before them. And We do for Us, Our Heirs and Successors, grant, establish and ordain, that the Governour of Our said Province or Territory for the time being, with the Council or Assistants, may do, execute or perform all that is necessary for the Probate of Wills, and granting of Administrations for touching or concerning any Interests or Estate which any Person or Persons shall have within our said Province or Territory: And whereas We judge it necessary, that all Our Subjects should have Liberty to appeal to Us, Our Heirs and Successors, in Cases that may deserve the same, We do by these Presents ordain, that in Case either Party shall not rest satisfied with the Judgment or Sentence of any Judicatories or Courts within Our said Province or Territory in any personal Action, wherein the Matter in Difference doth exceed the Value of *Three Hundred Pounds* Sterling, that then he or they may appeal to Us, Our Heirs and Successors, in Our or their Privy Council. *Provided*, Such Appeal be made within fourteen Days after the Sentence or Judgment given; and that before such Appeal be allowed, Security be given by the Party or Parties appealing, in the Value of the Matter in Difference, to pay or answer the Debt or Damages for the which Judgment or Sentence is given, with such Costs and Damages as shall be awarded by Us, Our Heirs or Successors, in Case the Judgment or Sentence be affirmed: And *Provided also*, That no Execution shall be staid or suspended, by Reason of such Appeal unto Us, Our Heirs and Successors, in Our or their Privy Council; so as the Party sueing or taking out Execution, do in the like Manner give Security to the Value of the Matter in Difference, to make Restitution in Case the said Judgment

Persons born in *New England*, to have the Privileges of natural Subjects of *England*.

Liberty of Conscience to be granted to all Christians, except Papists.

Governor &c. to administer the Oaths appointed to the Inhabitants.

The General Court impowred to erect Judicatories, and Courts of Record, &c.

Governor with the Council shall have the Probate of Wills, and granting Administrations.

Appeals to the King in some Personal Actions.

Execution not to be staid.

ment or Sentence be reversed or annulled upon the said Appeal. And We do further, for Us, Our Heirs and Successors, give and grant to the said Governour, and the Great and General Court or Assembly of Our said Province or Territory, for the Time being, full Power and Authority, from time to time, to make, ordain and establish all Manner of wholesome and reasonable Orders, Laws, Statutes and Ordinances, Directions and Instructions either with Penalties or without (so as the same be not repugnant or contrary to the Laws of this Our Realm of *England*) as they shall judge to be for the Good and Welfare of Our said Province or Territory, and for the Government and ordering thereof, and of the People inhabiting, or who shall inhabit the same; and for the necessary Support and Defence of the Government thereof. And We do for Us, Our Heirs and Successors, give and grant, that the said General Court or Assembly, shall have full Power and Authority, to name and settle annually all Civil Officers within the said Province, such Officers excepted, the Election and Constitution of whom We have by these Presents reserved to Us, Our Heirs and Successors, or to the Governour of Our said Province for the time being; and to set forth the several Duties, Powers and Limits of every such Officer to be appointed by the said General Court or Assembly; and the Forms of such Oaths not repugnant to the Laws and Statutes of this Our Realm of *England*, as shall be respectively administred unto them for the Execution of their several Offices and Places; and also to impose Fines, Mulcts, Imprisonments, and other Punishments; and to impose and levy proportionable and reasonable Assessments, Rates and Taxes, upon the Estates and Persons of all and every the Proprietors and Inhabitants of Our said Province or Territory, to be issued and disposed of by Warrant under the Hand of the Governour of Our said Province for the time being, with the Advice and Consent of the Council, for Our Service in the necessary Defence and Support of Our Government of Our said Province or Territory, and the Protection and Preservation of the Inhabitants there, according to such Acts as are or shall be in Force within Our said Province; and to dispose of Matters and Things whereby Our Subjects, Inhabitants of Our said Province may be religiously, peaceably and civilly governed, protected and defended; so as their good Life and orderly Conversation may win the *Indians*, Natives of the Country, to the Knowledge and Obedience of the only true God and Saviour of Mankind, and the Christian Faith, which his Royal Majesty Our Royal Grand-father King *Charles* the first, in his said Letters Patents declared was His Royal Intention, and the Adventurers free Profession to be the principal End of the said Plantation. And for the better securing and maintaining Liberty of Conscience hereby granted to all Persons, at any time being and residing within Our said Province or Territory as aforesaid, willing, commanding and requiring, and by these Presents for Us, Our Heirs and Successors, ordaining and appointing that all such Orders, Laws, Statutes and Ordinances, Instructions and Directions as shall be so made and published under our Seal of Our said Province or Territory, shall be carefully and duly observed, kept and performed, and put in Execution according to the true Intent and Meaning of these Presents. *Provided always*, And We do by these Presents, for Us, Our Heirs and Successors, establish and ordain, that in the framing and passing of all such Orders, Laws, Statutes and Ordinances, and in all Elections and Acts of Government whatsoever, to be passed, made or done by the said General Court or Assembly, or in Council, the Governour of Our said Province or Territory of the *Massachusetts-Bay* in *New-England* for the time being, shall have the negative Voice; and that without his Consent or Approbation signified and declared in Writing, no such Orders, Laws, Statutes, Ordinances, Elections, or other Acts, of Government whatsoever, so to be made, passed or done by the said General Assembly or in Council, shall be of any Force, Effect or Validity; any Thing herein contained to the contrary in any wise notwithstanding. And We do for Us, Our Heirs and Successors, establish and ordain, that the said Orders, Laws, Statutes and Ordinances, be by the first Opportunity after the making thereof, sent or transmitted unto Us, Our Heirs and Successors, under the publick Seal, to be appointed by Us, for Our or their Approbation or Disallowance. And that in Case all or any of them shall at any time within the Space of three Years, next after the same shall have been presented to Us, Our Heirs and Successors, in Our or their Privy Council, be disallowed and rejected, and so signified by

The General Court has Power to make Laws, not repugnant to the Laws of *England*.

To name and settle civil Officers, except, &c.

To impose Fines &c. And Taxes to be disposed by Warrant from the Governor and Council.

To promote Religion and good Order, and the Conversion of the *Indians*.

The Governor to have the negative Voice in all Elections and Acts of Government.

Laws to be sent to *England*, for the Royal Approbation.

If not Disallowed within three Years, to be in Force until repealed by the General Assembly.

by Us, our Heirs and Succeſſors under Our or their Sign Manual and Signet; or by, or in Our or their Privy Council, unto the Governour for the time being, then ſuch and ſo many of them as ſhall be ſo diſallowed and rejected, ſhall thenceforth ceaſe and determine, and become utterly void and of none Effect. *Provided always*, That in Caſe, We, Our Heirs or Succeſſors, ſhall not within the Term of three Years after the preſenting of ſuch Orders, Laws, Statutes or Ordinances, as aforeſaid, ſignify Our or Their Diſallowance of the ſame, then the ſaid Orders, Laws, Statutes or Ordinances, ſhall be and continue in full Force and Effect, according to the true Intent and Meaning of the ſame, until the Expiration thereof, or that the ſame ſhall be repealed, by the General Aſſembly of Our ſaid Province for the time being. *Provided alſo*, That it ſhall and may be lawful for the ſaid Governour and General Aſſembly to make or paſs any Grant of Lands lying within the Bounds of the Colonies formerly called the Colonies of the *Maſſachuſetts-Bay*, and *New Plymouth*, and Province of *Main*, in ſuch Manner as heretofore they might have done by Virtue of any former Charter or Letters Patents; which Grants of Lands within the Bounds aforeſaid, We do hereby Will and Ordain to be and continue for ever of full Force and Effect, without Our further Approbation or Conſent. And ſo as nevertheleſs, and it is Our Royal Will and Pleaſure, that no Grant or Grants of any Lands lying or extending from the River of *Sagadehock* to the Gulph of St. *Laurence* and *Canada Rivers*, and to the Main Sea Northward and Eaſtward, to be made or paſt by the Governour and General Aſſembly of Our ſaid Province, be of any Force, Validity or Effect, until We, Our Heirs or Succeſſors, ſhall have ſignified Our or Their Approbation of the ſame. And we do by theſe Preſents for Us, Our Heirs and Succeſſors, grant, eſtabliſh and ordain, that the Governour of Our ſaid Province or Territory for the Time being, ſhall have full Power by himſelf, or by any Chief Commander, or other Officer or Officers, to be appointed by him from time to time, to train, inſtruct, exerciſe and govern the Militia there; and for the ſpecial Defence and Safety of Our ſaid Province or Territory, to aſſemble in Martial Array, and put in Warlike Poſture the Inhabitants of Our ſaid Province or Territory, and to lead and conduct them, and with them to encounter, expulſe, repel, reſiſt and purſue by Force of Arms, as well by Sea as by Land, within or without the Limits of Our ſaid Province or Territory, and alſo to kill, ſlay, deſtroy and conquer, by all fitting Ways, Enterprizes and Means whatſoever, all and every ſuch Perſon and Perſons as ſhall at any Time hereafter attempt or enterprize the Deſtruction, Invaſion, Detriment or Annoyance of Our ſaid Province or Territory; and to uſe and exerciſe the Law Martial in Time of actual War, Invaſion or Rebellion, as Occaſion ſhall neceſſarily require; and alſo from time to time to erect Forts, and to fortify any Place or Places within Our ſaid Province or Territory, and the ſame to furniſh with all neceſſary Ammunition, Proviſions and Stores of War, for Offence or Defence, and to commit from time to time, the Cuſtody and Goverment of the ſame, to ſuch Perſon or Perſons as to him ſhall ſeem meet; and the ſaid Forts and Fortifications to demoliſh at his Pleaſure, and to take and ſurprize by all Ways and Means whatſoever, all and every ſuch Perſon or Perſons with their Ships, Arms, Ammunition, and other Goods, as ſhall in a hoſtile Manner invade, or attempt the invading, conquering or annoying of Our ſaid Province or Territory. *Provided always*, and We do by theſe Preſents for Us, Our Heirs and Succeſſors, grant, eſtabliſh and ordain, That the ſaid Governour ſhall not at any time hereafter, by Virtue of any Power hereby granted, or hereafter to be granted to him, tranſport any of the Inhabitants of Our ſaid Province or Territory, or oblige them to march out of the Limits of the ſame, without their free and voluntary Conſent, or the Conſent of the Great and General Court or Aſſembly of Our ſaid Province or Territory; nor grant Commiſſions for exerciſing the Law Martial upon any the Inhabitants of Our ſaid Province or Territory, without the Advice and Conſent of the Council or Aſſiſtants of the ſame. Provided in like Manner, and We do by theſe Preſents, for Us, Our Heirs and Succeſſors, conſtitute and ordain, That when and as often as the Governour of Our ſaid Province for the time being, ſhall happen to die, or be diſplaced by Us, Our Heirs or Succeſſors, or be abſent from his Government; that then and in any of the ſaid Caſes, the Lieutenant or Deputy Governour of Our ſaid Province, for the time being, ſhall have full

If not diſallowed within three Years, to be in Force until repealed by the General Aſſembly.

The General Court has Power to paſs any Grants of Land in *Maſſachuſetts Plymouth*, or the Province of *Main*.

Grants of Land between *Sagadehock* and St. *Laurence*, to have the Royal Approbation.

The Governor to command the Militia.

To erect and demoliſh Forts &c.

Not to tranſport any Perſons out of the Province without their own Conſent, &c.

Nor exerciſe the Law-martial without Advice of the Council.

Power and Authority, to do and execute all and every such Acts, Matters and Things, which Our Governour of Our said Province, for the time being, might or could by Virtue of these Our Letters Patents lawfully do or execute, if he were personally present, until the return of the Governour so absent, or the Arrival or Constitution of such other Governour as shall or may be appointed by Us, Our Heirs or Successors in his stead: And that when and as often as the Governour, and Lieutenant or Deputy Governour of Our said Province or Territory, for the time being, shall happen to die, or be displaced by Us, Our Heirs or Successors, or be absent from Our said Province; and that there shall be no Person within the said Province, commissionated by Us, Our Heirs or Successors to be Governour within the same; then and in every of the said Cases, the Council or Assistants of Our said Province shall have full Power and Authority, and We do hereby give and grant unto the said Council or Assistants of Our said Province, for the time being, or the major Part of them, full Power and Authority to do and execute all and every such Acts, Matters and Things which the said Governour, or Lieutenant or Deputy Governour of Our said Province or Territory, for the time being, might or could lawfully do or exercise, if they or either of them were personally present, until the return of the Governour, Lieutenant or Deputy Governour so absent, or Arrival or Constitution of such other Governour, or Lieutenant or Deputy Governour, as shall and may be appointed by Us, Our Heirs or Successors from time to time. *Provided always*, and it is hereby declared, that nothing herein shall extend or be taken to erect, or grant, or allow the exercise of any Admiral Court, Jurisdiction, Power or Authority, but that the same shall be, and is hereby reserved to Us and Our Successors, and shall from time to time be exercised, granted and exercised by Virtue of Commissions to be issued under the great Seal of *England*, or under the Seal of the High Admiral, or the Commissioners for executing the Office of High Admiral of *England*. And further, Our express Will and Pleasure is, and We do by these Presents, for Us, Our Heirs and Successors, ordain and appoint that these Our Letters Patents shall not in any Manner enure, or be taken to abridge, bar or hinder any of Our loving Subjects whatsoever, to use and exercise the Trade of Fishing upon the Coasts of *New-England*, but that they and every of them shall have full and free Power and Liberty to continue and use their said Trade of Fishing upon the said Coast, in any of the Seas thereunto adjoining, or any Arms of the said Seas or Salt-Water Rivers, where they have been wont to Fish; and to build and set upon the Lands within Our said Province or Colony lying waste, and not then possess'd by particular Proprietors, such Wharffs, Stages and Work-Houses, as shall be necessary for the Salting, Drying, Keeping and Packing of their Fish, to be taken or gotten upon that Coast; and to cut down and take such Trees and other Materials there growing, or being upon any Parts or Places lying waste, and not then in Possession of particular Proprietors, as shall be needful for that Purpose, and for all other necessary Easements, Helps and Advantages concerning the Trade of Fishing there, in such Manner and Form as they have been heretofore at any Time accustomed to do, without making any wilful Waste or Spoil; any Thing in these Presents contained to the contrary notwithstanding. And lastly, for the better providing and furnishing of Masts for Our Royal Navy, We do hereby reserve to Us, Our Heirs and Successors, all Trees of the Diameter of twenty four Inches, and upwards of twelve Inches from the Ground, growing upon any Soil or Tract of Land within Our said Province or Territory, not heretofore granted to any private Persons: And We do restrain and forbid all Persons whatsoever from felling, cutting or destroying any such Trees without the Royal Licence of Us, Our Heirs and Successors, first had and obtained; upon Penalty of forfeiting *One Hundred Pounds* Sterling unto Us, Our Heirs and Successors, for every such Tree so felled, cut or destroyed, without such Licence had or obtained in that Behalf: Any Thing in these Presents contained to the contrary in any wise notwithstanding.

In Case of the Governor's Death removal or Absence from his Government, the Lieutenant Governor shall supply his Place.

In the absence of both the Governor and Deputy Governor, the major Part of the Council to have their Power.

Admiralty Jurisdictions reserved.

The Trade of Fishing not to be abridg'd.

Trees fit for Masts not growing upon any Soil granted to particular Persons to be preserved.

**In Witness** whereof We have caused these Our Letters to be made Patents. Witness Our Selves at *Westminster*, the Seventh Day of *October*, in the Third Year of Our Reign.

*By Writ of Privy Seal.*

PIGOT.

# *The Explanatory* CHARTER *granted by His Majesty King* GEORGE.

GEORGE, by the Grace of GOD of *Great-Britain*, *France* and *Ireland*, KING, Defender of the Faith, &c. To all to whom these Presents shall come, Greeting. Whereas Our late Royal Predecessors *WILLIAM* and *MARY*, KING and QUEEN of *England*, &c. did by their Letters Patents under their great Seal of *England*, bearing Date at *Westminster*, the seventh of *October* in the third Year of their Reign, for Themselves, their Heirs and Successors, unite, erect and incorporate, the Territories and Colonies, commonly called or known by the Names of the Colony of the *Massachusetts-Bay*, and Colony of *New-Plymouth*, the Province of *Main*, the Territory called *Accada* or *Nova Scotia*, and all that Tract of Land lying between the said Territories of *Nova-Scotia*, and the said Province of *Main*, into one real Province by the Name of Our Province of the *Massachusetts-Bay* in *New-England*. And whereas their said late Majesties King *WILLIAM* and Queen *MARY*, did by the said recited Letters Patents (amongst other Things therein contained) for themselves, their Heirs, and Successors, ordain and grant, that there should and might be convened held and kept by the Governour for the time being, upon every last Wednesday in the Month of *May* every Year for ever, and at all such other Times as the Governour of their said Province should think fit, and appoint a Great and General Court or Assembly; which said Great and General Court or Assembly should consist of the Governour and Council, or Assistants for the time being, and of such Freeholders of their said Province or Territories as should be from time to time elected or deputed by the major Part of the Freeholders and other Inhabitants of the respective Towns or Places, who should be present at such Elections: Each of the said Towns and Places, being thereby impowered to elect and depute two Persons and no more, to serve for and represent them respectively in the said Great and General Court or Assembly, and that the Governour for the time being should have full Power and Authority from time to time as he should judge necessary, to adjourn, prorogue and dissolve all Great and General Courts or Assemblies met and convened as aforesaid: And did thereby also for themselves, their Heirs and Successors, provide, establish and ordain, that in the framing and passing of all Orders, Laws, Statutes, and Ordinances, and in all Elections, and Acts of Government whatsoever, to be passed, made or done by the said General Court or Assembly or in Council, the Governour of the said Province or Territory of the *Massachusetts-Bay* in *New-England* for the time being, should have the Negative Voice, and that without his Consent or Approbation, signified and declared in Writing, no such Orders, Laws, Statutes, Ordinances, Elections, or other Acts of Government whatsoever, so to be made, passed or done by the said General Assembly, or in Council, should be of any Force, Effect, or Validity, any thing therein contained to the contrary in any wise notwithstanding; as in and by the said Letters Patents (Relation being thereunto had) may more fully and at large appear.

And whereas no Provision is made by the said recited Letters Patents, touching the Nomination and Election of a *Speaker* of the Representatives assembled in any Great and General Court of Our said Province nor any particular Reservation made of the Right of Us, Our Heirs and Successors to approve or disapprove of such *Speaker* by the Governour of the said Province appointed, or to be appointed by Us or Them for the time being: And no Power is granted by the said recited Letters Patents to the said House of Representatives to adjourn themselves for any time whatsoever; by Means whereof divers Doubts and Controversies have arisen within Our said Province, to the Interruption of the publick Business thereof, and the Obstruction of Our Service; *Know ye therefore*,

that

that for removing the ſaid Doubts and Controverſies, and preventing the like Miſchiefs for the future; And alſo for the further Explanation of the ſaid recited Letters Patents, We of Our eſpecial Grace, certain Knowledge, and meer Motion, have granted, ordained and appointed, and by theſe Preſents for Us, Our Heirs and Succeſſors, do will, grant, ordain, and appoint, that for ever hereafter, the Repreſentatives aſſembled in any Great or General Court of Our ſaid Province to be hereafter Summoned, ſhall upon the firſt Day of their aſſembling, elect a fit Perſon out of the ſaid Repreſentatives, to be *Speaker* of the Houſe of Repreſentatives, in ſuch General Court; and that the Perſon ſo elected ſhall from time to time be preſented to the Governour of Our ſaid Province for the time being, or in his Abſence to the Lieutenant Governour or Commander in Chief of Our ſaid Province for the time being, for his Approbation: To which Governour, Lieutenant Governour and Commander in Chief reſpectively, We do hereby for Us, Our Heirs and Succeſſors, give full Power and Authority to approve or diſapprove of the Perſon ſo elected and preſented, which Approbation or Diſapprobation ſhall be ſignified by him by Meſſage in writing under his Hand to the ſaid Houſe of Repreſentatives; and in Caſe ſuch Governour, Lieutenant Governour or Commander in Chief, ſhall diſapprove of the Perſon ſo elected and preſented, or the Perſon ſo elected and preſented, being approved as aforeſaid ſhall happen to die, or by Sickneſs or otherwiſe be diſabled from officiating as *Speaker*, in every ſuch Caſe, the ſaid Repreſentatives ſo aſſembled, ſhall forthwith elect an other Perſon to be Speaker of the Houſe of Repreſentatives to be preſented and approved, or diſapproved, in Manner as aforeſaid, and ſo from time to time as often as the Perſon ſo elected and preſented ſhall be diſapproved of, or happen to die, or become diſabled as aforeſaid.

Speaker to be approved or diſapproved by written Meſſage.

And Our further Will and Pleaſure is, and We do by theſe Preſents of Our more abundant Grace for Us, Our Heirs and Succeſſors, grant, ordain, and appoint, that it ſhall and may be lawful to and for the Repreſentatives aſſembled in any Great or General Court of Our ſaid Province for the time being, forever hereafter, to adjourn themſelves from Day to Day, (and if Occaſion ſhall require) for the ſpace of two Days; but not for any longer time, than for the ſpace of two Days without Leave from the Governour, or in his Abſence from the Lieutenant Governour, or Commander in Chief of Our ſaid Province for the time being, firſt had and obtained in that behalf, any Thing in the ſaid recited Letters Patents contained to the contrary thereof in any wiſe notwithſtanding.

Repreſentatives to adjourn themſelves not exceeding two Days without Leave.

*Provided always*, That nothing in theſe Preſents contained ſhall extend, or be conſtrued to extend, to revoke, alter, or prejudice the Power and Authority by the ſaid recited Letters Patents, granted to the Governour of the ſaid Province for the time being, to adjourn, prorogue and diſſolve all Great and General Courts or Aſſemblies of Our ſaid Province.

*And laſtly*, We do by theſe Preſents, for Us, Our Heirs and Succeſſors, grant that theſe Our Letters Patents, or the Enrolment, or Exemplification thereof, ſhall be in and by all Things good, firm, valid and effectual in the Law according to the true intent and meaning thereof, notwithſtanding the not rightly, or fully reciting, mentioning, or deſcribing the ſaid recited Letters Patents, or the Date thereof, or any other Omiſſion, Imperfection, Defect, Matter, Cauſe or Thing whatſoever to the contrary thereof in any wiſe notwithſtanding.

In Witneſs whereof, We have cauſed theſe Our Letters to be made Patents, Witneſs, WILLIAM Arch Biſhop of *Canterbury*, and the reſt of the Guardians and Juſtices of the Kingdom at *Weſtminſter*, the ſix and twentieth Day of *Auguſt*, in the twelfth Year of Our Reign.

*By Writ of Privy Seal.*

COCKS.

# The TABLE.


A

Page

ACTIONS (civil)
- When to be enter'd. 302
- Re-enter'd after Default. 302
- Pleas in Bar to be made before the Jury, is impancelled. 302
- *Tranſitory*, to be brought where the Plaintiff or Defendant is an Inhabitant. 338
- Diſcontinued or non-ſuited the Defendant to recover Coſts, 132
- Such as were tried under the old Charter, and Execution not iſſued, provided for. 6
- Such as do not exceed the Value of *Forty Shillings*, nor concern Freehold, to be tried before a Juſtice of the Peace. 70
- Such as exceed that Sum, to be brought to the Court of Common Pleas. 127
- Where an Eſtate is attached, the Defendant to be ſummoned. 122
- When brought by Writ of *Scire-Facias*, or Writ of Dower, how the Writs ſhall be ſerved. 122
- Brought for Goods ſold, or Service done, the Defendant may plead his Account by Way of Balance to the Plaintiff's Demand. 268
- Brought againſt Perſons out of the Province, Method of Proceeding, 122
- Time of their being brought, limitted. 291, 358, 368
- Such wherein the KING is concern'd, may be brought in any Court. 127
- For ſlanderous Words, Aſſault, falſe Impriſonment, or malicious Proſecution, Coſts therein regulated. 291
- When two Parties recover Judgment againſt each other, and Executions iſſue, the Officer to ſatisfy one with the other. 269
- Brought for Specialties, ſee Bonds.
- Depending no Strip or Waſte to be made. 292

Adminiſtration.
- To whom it ſhall be committed. 3
- Within what Time. 205
- *Cum teſtamento annexo*, in what Caſe granted, 4
- *De bonis non*, not to be granted but where there are *bonâ notabilia*. 221
- Adminiſtrators to account with the Judge of Probate. 3
- Their Bonds by whom to be ſued. 3
- Bond being ſued by the Judge of Probate, and Judgment recover'd, Execution ſhall be ſtay'd, in Caſe. 275
- To give Notice of the Sale of Lands. 205
- Adminiſtrators may proſecute or defend Suits commenced by or againſt the Inteſtate. 237, 247
- Imparlance granted an Adminiſtrator. 238
- Judgment to be made up againſt the Eſtate of the Deceaſed. 238

A

Page

- Payment to be made in Specie, if the Adminiſtrator has it in Hand. 146
- The Body and Goods of the Adminiſtrator exempted from Attachment and Execution, unleſs upon Suggeſtion of waſte. 146
- Method of proceeding upon ſuch Suggeſtion. 146
- One Adminiſtrator aggriev'd, may ſue the others to Account. 190
- Adminiſtrators of Conſtables or Collectors deceas'd, to make up their Accounts. 261
- To finiſh the Collection of Rates of Conſtables or Collectors deceaſed. 226

Admiralty.
- Fees of that Court ſtated. 192

Adultery and Polygamie.
- Acts to puniſh ſuch Offenders, and who are eſteem'd ſuch. 51

Affidavits.
- When they may be taken out of Court, and how to be taken *In perpetuam rei Memoriam*. 64

Affrayers, ſee Juſtices of the Peace.

Agreements by Parole, ſee Frauds.

Alarm.
- How to be made, and Method of proceeding therein. 42
- Penalty for not appearing upon an Alarm. 42
- Making a falſe Alarm, Penalty. 42, 105

Allegiance.
- Form of the Oaths to be taken inſtead of the Oath of Allegiance, and by whom to be adminiſtered. 24, 206
- Penalty for refuſing to take them. 208

Alewives, ſee Fiſh.

Apparel.
- Of one Sex not to be worn by the other. 61

Appeals.
- From the Judge of Probate, and Manner of proſecuting. 4, 32, 66, 206
- From a Juſtice of Peace in civil Cauſes. 70
- From a Juſtice of Peace in criminal Cauſes. 95
- From the Court of Common Pleas. 133
- From the Court of General Seſſions of the Peace. 94
- To his Majeſty in Council. 133
- Manner of proſecuting Appeals, and within what Time Security for proſecuting is to be given. 120
- Pending Execution, ſtay'd. 133
- In Suits commenced under the old Charter, Manner of proceeding therein. 7
- In Suits depending, and either Party dead, the Executor or Adminiſtrator to maintain or defend. 237
- From the Inferior Court at *Nantucket*, to be to the Superior Court in *Boſton*. 62, 233

From

Page

From Duke's-County to the Superior Court at Plymouth. 62
No Reasons of Appeal to be filed. 296

Apprentices.
Deserting their Masters Service and entering on board any Vessel, how to proceed in such Case. 57
Poor Children to be bound out as such, Males to 21 Years old, and Females to 18, or Time of Marriage. 21,214
Indians not to be bound out as such but by Consent of two Justices. 115
Vessels carrying them off, Penalty on the Masters. 202
They or others under Age guilty of Rescous, or Pound Breach, how to be punished. 80

Arms to be view'd, see Militia.

Assaults.
Provided against. 167

Assay-Masters.
Appointed to prevent Abuses in distilling of Rum. 222

Assembly General, see Court.

Assessors,
To be annually chosen and make Assessment for Province, County, Town and Precinct Charges. 19,141,155, 218,256,375
Their Oath. 256
Where none are chosen, the Select-Men to act as such. 20,257
Power to ease such as are over-rated. 20, 258
Penalty on Towns for refusing or neglecting to choose Assessors, and Penalty on Assessors for refusing to serve. 257
To be appointed by the Court of General Sessions of the Peace, in Case. 257
To issue their Warrants for gathering Town Rates or Assessments. 20
Form of Assessors Warrant to gather Rates. 135
Two or more of them are authorized by Warrant to commit Delinquents. 259
Form of Assessors Warrant to commit Persons. 375
To be sworn by the Town Clerk where no Justice dwells. 267

Assignment of Trust, see Frauds.

Attachment.
Of Goods or other Estate a Summons to be delivered to the Owner thereof or left at his Dwelling house or Place of his last usual Abode. 122
Not to be void by the Death of either Party. 248
Not discharged until thirty Days after Judgment. 133
No Writ of Attachment to go against the Body of an Executor or Administrator but upon a Suggestion of Waste. 146

Atheism, see Blasphemy.

Attorneys
Oath and Fee. 134
One only to be tax'd in the Bill of Cost. 134
Not more than two to be retain'd. 181
Mislaying an Action shall draw a new Writ without Fee. 182
Are to answer Prison Charges, in Case. 153
Indorsing of Writs liable to pay Costs, in Case. 181
Not allow'd to plead or act as Attorney in any Cause wherein he has, or may act as Judge. 151,236
Of Executors remov'd out of the Province liable to Suits, provided the Action be brought within one Year after the Attorney receives the Effects. 236

B

BAIL (see Sureties.)
Bayonets.
To be provided in *Boston*. 174

Ballast.
Not to be cast into any Harbour, or taken from any Beach without Leave. 180

Bars thrown open, see Trespasses.

Bastard.
Children, who are chargeable with their Maintenance. 10
Act to prevent their being destroyed. 67

Billerica.
Bridge how to be maintained. 191

Bills of Cost.
To be taxed immediately after Judgment is given by one or more Justices before any Charges of Suit be paid. (See Costs.) 251

Births and Deaths.
To be registred by the Town Clerk. 34

Blasphemy.
Punishment thereof. 72

Boards, see Lumber.

Bonds.
Given by Prisoners to the Sheriff to be assigned to the Creditor on an Escape. (See Sureties.) 274
Penalties of Bonds to be chancered by the Courts of Justice. (See Equity.) 91
Forfeited for Non-performance of any Part thereof, Judgment to be made up for the whole Penalty, & Execution awarded only for so much of the Debt as is then due. 277

Boston.
Buildings there to be of Stone or Brick, and covered with Slate, except in particular Cases, the Governor & Council to grant Licence to build with Wood. 1,106, 388
Justices and Select-Men to lay out Streets, and in Case of a Desolation by Fire, to regulate and enlarge them, &c. 1,106
Further Regulations of Streets, &c. 388
No Fire Works to be play'd off there. 188
Children or Servants found offending, and unable to pay the Fine, to be imprison'd or set in the Stocks. 183
No Guns to be fired on Boston-Neck. 179
Firewards to be appointed there, and their Duty. (See Firewards.) 168
At their anniversary Meeting to chuse Overseers of the Poor, who are to govern a Work-House which may be built there for the Employment of the Poor; see Overseers of the Poor. 278

Page

Powder-Houſe to be erected there ; ſee Powder-Houſe.

Bread.
Aſſize and Prizes thereof regulated. 210

Bribery.
Act for Prevention thereof. 378

Bricks.
Act to regulate the making of them. 172

Bridges, ſee Ways.

Brute-Creatures.
Cruelty in tranſporting Calves, Sheep and Lambs, forbidden. 15

Buggery.
Act againſt it. 71

Burglary.
Such Offenders to ſuffer Death. 10, 183

Burning Houſes ; ſee Felony.

Butchers not to be Tanners ; ſee Tanners.

C

CALVES.
Cruelty to them forbidden ; ſee Brute-Creatures.

Calve-Skins.
Not to be exported ; ſee Leather.

Cape-Cod.
Made a Precinct. 182
Annexed to *Truro*. 183
Obliged to ſettle a Miniſter. 182
Fiſherman to pay *Four Pence* a Week for Support of the Miniſter. 183
Penalty for boxing Pine Trees there. 182

Caſk.
Uſed for Liquor, Beef, Pork, Fiſh, Naval-Stores or other Commodities, to be full Meaſure, and gauged and marked by a Perſon appointed for that Purpoſe. 7, 147, 159

Cattle.
For what Cauſes Horſes, Neat-Cattle, Sheep or Swine may be impounded, and when they may be repleved. 45, 80
If not repleved in forty eight Hours, then to be appriſed ; and if the Value be more than the Damage, to be returned to the Owner. 144

Cauſeys, ſee Ways.

Chancery of the Penalty of Bonds, ſee Equity.

Chandlers, ſee Nuſances.

Children Poſthumous.
To inherit a Part of their Father's Eſtate. See Heirs. 113

Churches, ſee Miniſters.

Church of *England*.
Members thereof excuſed from Charge of building Meeting-Houſes, and their Rates to be paid the Miniſter where they attend. 301

Clerk.
Page
Town Clerk, his Choice and Duty. 19, 118
To regiſter Births and Deaths. 34
To grant Replevins for any Matter triable before a Juſtice of the Peace. 71
To grant Summons for Witneſſes, & Form. 132
May adminiſter an Oath to Town Officers where no Juſtice of Peace dwells. 267, 315
Precinct Clerk to be ſworn by the Moderator, where no Juſtice dwells. 271
Of Courts how appointed and ſworn. 132
Of the Peace to render an Account of Fines. 35, 123
His Warrants to run thro' the Province. 154
To receive Deeds when the Regiſter's Office is vacant. 230
Of Aſſize to render an Account of Fines. 35, 123
Of the Market. 19, 164
Military, ſee Militia.
Of Proprietors of Lands, ſee Lands held in common.
Of Courts to render an Account of Fines. 123

Counſel, ſee Attornies.

Coaſters.
Who are accounted ſuch. 184

Coin.
Not to be counterfeited or diminiſhed. 143
The Value aſcertained by Act of Parliament. See Money. 155

Collectors of publick Taxes.
Towns, Precincts, &c. impower'd to chuſe them. 155, 164, 213, 258
No County or Town Rates to be gathered, but by Collectors or Conſtables. 165
Their Oath. 214
Penalty in Caſe of Refuſal. 214
To make Payment agreable to their Warrant. 165
Accepting the Truſt to ſettle their Accounts in Time. 213
Who exempted from ſerving. 213
Not iſſuing their Accounts ſeaſonably, liable to an Action. 69, 164, 213
May diſtrein and impriſon, in Caſe. 259
To deliver to the Goal-Keeper a Copy of his Warrant in Caſe of Commitment of any Perſon. 135, 375
Form of the Warrant of Commitment. 375
May diſtrein on Perſons removed out of Town, in Caſe. 259
May collect Rates before the Time of Payment, in Caſe. 260
In Caſe of their Deceaſe, others to be appointed to perfect their Collections. 226, 259
Their Power to finiſh their Collections, thô others be choſen. 260
They may require Aid. 260, 281
Penalty on ſuch as refuſe to aſſiſt Collectors. 281
Their Executors & Adminiſtrators to make up their Accounts, &c. 226, 261

Commiſſioners of Sewers.
Their Appointment, Power, &c. 142

Commiſſioners appointed to examine the Claims of Creditors to inſolvent Eſtates ; ſee Probate of Wills.

Commiſſioners over Indians.
Their Appointment and Duty. See Indians. 48

Common Lands, Common Fields, Commonages, Common Shores. ſee Lands held in Common.
Act for regulating them. 161


Contra-

Page

Contagious Diseases.
Acts to prevent their spreading. 135,265,356, 375, 378

Constable.
His Choice, Penalty for not serving, and who exempted. 19,21
His Oath. 25
His Fees. 26, 51
To summon Town Officers to be sworn. 19
To collect Rates, in Case. 26, 165
To provide Standards of Weights & Measures, and Penalty for Neglect. 22,23
His Power to destrein. 259
His Duty in inspecting Houses of ill Fame, and making Complaint of disorderly Persons. 214
Their Executors and Administrators impower'd to sue. 226
To warn Town Meetings. 22
May require Aid, in Case. 89,228,260,281
Penalty for pretending to be a Constable. 90
Power in the Execution of Writs & Warrants. 228
To prevent the Prophanation of the Sabbath. See Lord's-Day.
Penalty for not returning their Warrant in the Choice of Jurors. 94,96,98
Of the neighbouring Provinces, allowed to pass and re-pass in This, in the Execution of their Office. 229
To settle their Accounts of the Collection of Taxes. 20
Defective in their Rates, their Lands liable to be sold. & their Bodies taken, in Case. 285
Contempt of a Justice's Warrant, see Justices.

Conveyances, see Deeds.

Cordwainers, see Shoemakers.

Coroner.
His Oath, and Power to summon a Jury of Inquisition on dead Bodies, his Fee and Manner of proceeding. 27,110,112,113
His Warrant of Inquest to be directed to the Constable. 110
To serve Writs against the Sheriff or Marshal. 96, 113, 197
To give Security for their faithful Behaviour before they serve any Writ. 284
May appoint Deputies. 230,291
To be answerable for their Deputies. 285
Not to appoint Deputies but upon particular Occasions, and said Deputies not excused from other Duty. 290
To return Jurors where the Sheriff or Marshal is concerned. 113
Not to detain in their Hands Money received by Execution. 284

Corruption, see Bribery.

Costs of Court.
To be taxed immediately by one or more Justices after Judgments given. 251
To be taxed before any Charges of Suit be paid. 252
In Actions of slanderous Words, Assaults or false Imprisonment not to exceed the Sum recovered provided it be under *forty Shillings*. 291
How to be paid in Actions discontinued non-suited or defaulted. 132

Cottages, see Lands held in Common.

Counties.
Their Bounds settled, and Charges thereof, how defreyed. 18

Page

To chuse Register of Deeds, &c. 185
To chuse a Treasurer, his Power, and with whom to account. 18, 165
Their Rates to be collected by the Collector or Constable. 165
Not chargeable with the Expences of Prisoners for theft, after thirty Days. 140

County Courts.
*Court of Common Pleas* established. 95,96,390,391
The Times and Places of it's Sitting. 95,303,390
The Justices of such Court to settle Rules, appoint a Clerk, &c. 132
Not to have Cognizance of Actions under 40*s.* unless it is an Appeal from a Justice of the Peace, or where Freehold is concerned. 96
The Time of it's Sitting in some Places altered. 250,350,366,380
Two Justices of such Court impower'd to adjourn. 55
After a first Adjournment, impower'd to adjourn. 339

Court of Judicature.

Courts of Judicature, of Assize &c.
established. 97,249
Times and Places of it's Sitting, altered. 303, 328, 366, 377
Justices of such Court to settle Rules and appoint a Clerk. 132
Two Justices of said Court impower'd to adjourn, in Case. 55,339
Justices of such Court may grant Licences for Sale of Lands belonging to Idiots. 50
May also grant Licence for the Sale of Lands of Persons deceased, for the Payment of Debts. 67
May assign to a Woman divorc'd, a Part of her Husband's Estate. 60
They may order Partition of Lands where Minors are interested. 237
To have one Servant exempted from Military Duty. 147
Their Fee on Petitions for Sale of Lands. 209
Upon special Occasions such Court to be called by the Governor and Council. 178,224,344
Clerk to render an Account of Fines within thirty Days. 37, 123
To be held at *Nantucket*. 97
To be held at *Barnstable & Duke's-County*. 249
To be held at *Falmouth*. 309

Court of General Sessions of the Peace.
Established. 93, 94, 95
Justices of such Court to settle the Rules and appoint a Clerk. 132
Times and Places of it's Sitting. 303
Time of it's Sitting at *Nantucket*, altered. 350
Time of it's Sitting at *Plymouth, Barnstable* and *York*, altered. 366,380
Said Court to receive the Votes for Register of Deeds. 229
None to sell strong Liquors without Licence from said Court. 12,170
Rules to be observ'd in granting Licences. 13,84,170
Impower'd to remove Nusances. 68, 75
Their Power respecting the Support of Ministers. 17,34,141
To appoint Gagers, Packers, Measurers of Salt, and Cullers of Fish. 7, 9
Clerk to render an Account of Fines within thirty Days. 37, 123

COURT GENERAL. Page

To be call'd by the Governor or Commander in Chief. 31
Form of the Writ and Precept. 78, 79
Precept to be sent out for the Choice of Representatives, thirty Days before said Court's Sitting. 31
Members of the House of Representatives to be sent from every Town that have forty Freeholders and others qualified to vote. 31
Regulation of the House of Representatives. See Representatives.
Priviledge of the Members of said Court. 32, 53, 147
Confirmation of their Proceedings in their Sessions began 5th Sept. 1755. 373
The House in *Boston* where said Court sits not to be incumber'd, and Penalty on such as offend after Notice given by the Door-Keeper. 302

Courts of Admiralty, see Admiralty.

Creditors.

To insolvent Estates. See Estates insolvent.
To Mortgagers of Land. See Mortgages.

Criminal Offenders, see Offenders.

Cruelty.

To Brute Creatures. See Brute Creatures.

Cryer.

Of Courts, his Fees. 30
Of lost Goods, his Duty, &c. 83

Cumberland County, Establish'd. 390

Curriers.

Of Leather not to set up Work-Houses in such Places where they may be Nusances. See Nusances. 15, 158, 166

Cursing profanely, see Offenders.

Custom-House.

Fees of that Office established, and Penalty on such Officers as receive more than is allow'd. 191

D

DEBTORS absconding.

Their Goods or Estate liable to be attached wherever it may be found. 381
Where no Goods or Estate of such absent Person is exposed to view, his Attorney, Agent, Factor or Trustee may be summoned, and Manner of proceeding therein. 381

Debts.

Real Estate liable to Payment of them where the Debtor or his Attorney don't expose to view personal Estate. 66, 204
Recover'd Execution levied upon Real Estate therefor redeemable in a certain Time. 176

Page

Due to the Crown to be first paid. 65, 67
Due from insolvent Estates tho' Reported by the Commissioner may be contested at Law by the Executor or Administrator. 66
No Action to be brought for the Recovery of Debts due from insolvent Estates while the Commission is depending. 66

Deeds.

Manner of executing them. 72
To be registred. 72, 73, 185, 216
Manner of proving them in Case of Death or Absence of the Grantor before they are acknowledged. 72
Refused to be acknowledged by the Grantor, Penalty therefor. 73
Refused to be acknowledged, a Copy thereof proved and filed in the Register's Office secures the Title. 73
Imperfectly executed made valid if the Grantee was possessed between the 1st Day of *October* 1692, and the 1st Day of *October* 1704. 74
To be lodged with the Clerk of Common Pleas when the Registry is vacant, he being first sworn to the faithful Discharge of his Trust. 230
Fraudulent to be void. 67, 72

Decr.

Not to be killed betwixt the last Day of *December*, and first Day of *August*. 90

Defamation.

Punishment thereof. 11

Default.

For Non-appearance Judgment to be entered against the Defendant unless he pay the Cost then arisen and move for a new Trial before the Jury be dismiss'd. 132

Defendant. See Actions.

Depositions. See Affidavits.

Deserters.

From his Majesty's Service by Sea or Land how to be proceeded with. 105, 106

Detainer forcible. See Justice of the Peace.

Devises.

Of Real Estate to be in Writing and signed in the Presence of three or four Witnesses. See Frauds. 5

Distilling Rum Abuses therein. See Assaymasters.

Distracted Persons. See Idiots.

Districts.

Acts concerning them. 141, 198, 213, 218, 223, 261, 266, 271,

Division of Lands. See Lands held in Common.

Divorce. See Marriage.

Dogs.

Mischievous, to be kill'd on Penalty. 189

Dower.

Widows in Intestate Estates to have one Third of the Personal Estate, and during Life one Third of the Real Estate where such Widow is not otherwise endow'd before Marriage. 3

Page

Widows in Insolvent Estates to have one Third of the Real Estate during Life, unless otherwise endow'd before Marriage. 66

In Insolvent Estates to be distributed among the Creditors at the Widow's Decease. 66

Not altered tho' the Land be sold if the Widow did not join in the Sale. 73

To be assigned to the Widow in one Month after Demand. 123

If refused or neglected to be assigned, to be recovered by a Writ of Dower. See Writ. 124

Assign'd to Widows, to be maintain'd and kept in good Repair, and no Strip or Waste made. 125

Where no Division can be made, the Widow to be endowed with one Third of the Profits. 125

Drains and Common Shores.

To be under the Direction of the Select-Men of the Town. 161

Drunkards. See Offenders criminal.

Duelling. Ibid.

*Dukes-County.*

Appeals from the Inferiour Court there to be tried at *Plymouth*, and the Limits of said County stated. 62

E

EJECTMENT.

Persons arrested by Writ of Ejectment not obliged to find Sureties, and to answer for no more than they are in Possession of. 242

Equity.

In Payment of Specialties provided for. (See Bonds.) 91,277

In Payment of other Debts where Money has depreciated. 295,304,318,326,327.

In Redemption of Estates taken by Execution, or otherwise, 91,92,176,204,280

Escapes. See Prison.

Estates,

To be dispos'd of by Will or otherwise. 3

Not plainly dispos'd of by Will to be distributed as if Intestate. 205

To descend to a Child born after the Death of its Father equally with others provided it has no Legacy, and also to all Children who have no Legacy assign'd them. 113

Not to descend to Children born of incestuous Marriage. 59

Not to be devis'd, assign'd, granted or surrendered but in Writing. See Frauds. 5

Page

Attached, not to be releas'd till thirty Days after Judgment. 133

*Real*, how to be divided where they are held in common. 365,387

Where Minors are concerned the Partition to be made by Guardians. 237

Where they cannot be divided to be settled on one of the Parties. 387

*Note*, For Division of Intestate Estates. See Estates Intestate.

Divided and settled, how Charges are to be recovered. 365

Mortgaged liable to be taken by the Creditor of the Mortgager. 280

Mortgaged and in Possession of the Mortgagee, may be redeemed within three Years. (See Equity.) 92

Liable to the Payment of Debts, 66, 67, 176, 204

Levied by Execution and recorded, the Title to be good, except it be recovered back within a Year. 67, 122, 176.

Levied by Warrant from the Province Treasur. how the Officer is to proceed. 261

*Insolvent*, To be equally distributed among the Creditors first paying Debts due to the Crown, Charges of Sickness and Funeral. 65, 114

*Intestate*, Administration to be granted to the Widow or next o'kin. See Administration. 3

How such Estate is to be divided. 3, 205

Uncapable of Division to be ordered to the eldest Son. 3

When it will conveniently accommodate more Children than one, the Judge of Probate's Power therein. 205

When the Intestate dies without Issue, then the Persons next o'kin to enjoy the same Advantage in Regard to the Settlement as Children. 341

Manner of Distribution of such Estates. See Widow, Heirs to Estate &c.

Estreats. See Courts of Assize &c.

Excise.

Collectors not to sit in the General Court. See Licences. 374

Executors.

To cause Probate of Wills to be made within thirty Days. 4

To exhibit an Inventory or give Bond. 145, 287

Penalty for Neglect. 146, 287

Bond not to be accepted, where the Estate is bequeathed to more Persons than the Executors. 146

May prosecute or defend Actions depending 237, 247

May sue a Co-Executor in Case. 146

Shall make Payment in Specie in Case they have it in Hand. 146

Refusing to act, Administration *cum testamento annexo* shall be granted to some other Person, see Administration. 4

In their own wrong who are accounted such. 4

Their Persons not to be attached but on Suggestion of Waste. 146

Page

Removed out of the Province, their Agents or Attornies liable to Suits. 236
Shall give public Notice of the Sale of Lands. 205
Of Collectors of Taxes. See Collectors.
Of Conſtables. See Collectors.

Executions.
Form of ſuch as iſſue out of the Superior or Inferior Courts. 128
Form of ſuch as go from a Juſtice of the Peace. 131
May be ſued out within a Year. 300
Not to be granted without a *Scire Facias* after one Year. 7
Not to be granted within twenty four Hours after entring up of Judgment. 133
Duly ſerved and recorded to make a good Title. 67,280
May be extended on Real Eſtate or Rents. 204
Returnable into the Clerk's Office in ſix Months. 284
Alias to be given out in Caſe. 284
Monies levied thereby not to be detained. 284
Not to be granted where there is an Appeal. 133
To be iſſued in Caſe Security is not given in ſeven Days. 120
Not to be ſtayed by Reaſon of Review. 134
One to anſwer another in Caſe. 269
To be ſtay'd upon Judgment recovered by the Judge of Probate. 275
Not to be taken out till Oath reſpecting the Bills of the neighbouring-Governments is taken. 340

F

Fees.
Of Public Officers ſtated. See them under the Head of each Office &c.

Felony.
See Rape, Robbery, Buggery, Burglary, Burning Houſes, Coin counterfeited &c.

Fences.
What are accounted ſufficient and ſuch as are not to be made ſo on Penalty. 45
When inſufficient how to be repaired. 87
When defective the Owner thereof to be anſwerable for all Damages occaſioned thereby. 81
Upon common Land how to be maintained. 88,199,248,304
Broken down the Offenders to be puniſhed. 188
Hove down or left open, Penalty for ſuch Offence. 231

Page

Not to be removed ſo as to encroach on Highways or Commons without Notice given. 273
Not to be ſet up ſo as to incumber high Ways. 273

Viewers of Fences.
To be choſen annually. 19,345
Not ſerving after being choſen or neglecting their Duty, Penalty. 87
Impowered by Warrant from a Juſtice or Select-Men to impreſs Workmen. 87

Ferries.
None to be kept but ſuch as are licenced by the Court of Seſſions, who are to ſtate the Fair. 53
Good Boats to be kept and in ſuitable Repair & conſtant Attendance given, on Penalty. 53,68,163
Poſts and Expreſſes not to be delayed. 53, 69
Members of the General Court not to be detained as they are paſſing to and from the Aſſembly, and to paſs Ferrage free. 53
Three Boats to be kept at *Winniſimet*-Ferry. 173
Order to be obſerved in their paſſing. 68,173,200
Four Boats to be kept at *Charleſtown*-Ferry. 227
Order to be obſerved in their paſſing. 69,163,227
Ferriage to be paid before Landing. 163,173
Ferrymen not obliged to exchange Money, if the Ferriage be under the Value of *three Shillings & ſix Pence*. 163
Ways of *Winneſimet*-Ferry to be kept conſtantly in good Repair by the Town of *Boſton* on one Side and by the Proprietors on the other. 173
Plank Trucks to be kept at Ferries where needed. 200
From *Dukes-County* to *Falmouth* eſtabliſhed. 368

Fines. See Courts &c.

Fire.
Breaking out, Civil or Military Officers Power to pull down Houſes to ſtop it. 2
Breaking out in the Town of *Boſton*. See *Boſton*.
Goods ſaved therefrom not to be concealed. (See Embezelments) 169
Firewards may be choſen in any Town. 320
Fireworks, Danger thereby. See *Boſton*.

Fiſh.
Not to be ſold for dry Fiſh that was ſalted in Caſk or cured in any other Manner than the uſual Way of drying it. 23
Sold or ſhip'd off for Merchantable to be cull'd by an Officer appointed & ſworn. 9,200
Cullers to be annually choſen and their Oath. 200
Packers of Fiſh to be appointed by the Seſſions annually, and their Duty. 7, 8
*Mackrell* not to be caught before the firſt of *July*. 24,143

Page

*Alewives* not to be obſtructed in their Paſſage up Rivers by Dams. See Mill Dams. 297

Obſtructed paſſing up Rivers by Wears, &c. See Nuſances.

Forcible Entry &c. See Juſtice.

Foreſwearing. See Perjury.

Foreigners Imported. See Strangers.

Forgery.
For ſuch Offence the Party to pay double Coſts and Damages, have one Ear cut off, & be impriſoned one Year. 11

Fornication.
Penalty for ſuch Offences. 10,151

Forts.
Penalty upon Officers of Forts, Garriſons or Truckhouſes returning falſe Muſter-Rolls. 262

Penalty on ſuch as enter any Perſon by a wrong Name. 263

Information of ſuch Offences to be filed in the Clerk of Superior Court's Office 14 Days before the Sitting of ſaid Court, and further proceeding therein. 263

Fortune Tellers. See Houſe of Correction.

Frauds.
Act to prevent them in Leaſes, Contracts, Promiſes, Agreements, Deviſes, Declarations of Truſts, Aſſignments of Truſts, & nuncupative Wills 4,5,6

Receiving or giving Money for the Procurement of any Office or Place of Truſt. (See Bribery.) 378

In curing and packing of Fiſh, packing Beef, Pork, Turpentine, &c. See Fiſh, Cask, Naval-Stores, Packers &c.

Freeholders.
Their Right of voting. See Town-Meetings.

Funerals.
When not to be ſolemnized. See Lord's-Days.


## G


GAGERS.
To be appointed by the Quarter Seſſions annually and ſworn. 7,147,148

Fee, 7, 148

Their Duty. 7,8,148

Gameſters. See Houſe of Correction.

Gaming,
In publick Houſes forbidden on Penalty. 13

Gardens, rob'd (ſee Treſpaſs.)

Gates, thrown open (ſee Treſpaſs.)

General Court. See Court.

Page

Glaſs Windows.
Broken wilfully Puniſhment thereof. 188

Goods ſtolen. See Theft.

Goods.
Found how the Finder ſhall proceed and Penalty for his neglect of Duty. 83

Goods.
Such as are not liable to be taken for Rates. See Rates. 262

Goods attached. See Attachment.

Goods.
Sold, Bargain to be in Writing if upwards of *ten Pounds* Value, unleſs ſome Part are delivered. See Frauds. 5

Preſerved from Fire not to be concealed. See Embezelment. 169

Grand-Children. See Heirs.

Grantees in new Plantations. See Townſhips.

Grants,
From the General Court forfeited in Caſe. 193

Graſs,
Not to be cut without Leave of the Owner. See Treſpaſs. 81

Guardians to be appointed before the Diviſion of Inteſtate Eſtates.

Of Minors above the Age of fourteen Years to be choſen by them and allowed by the Judge of Probate of Wills. 32

Of Minors under that Age to be appointed by the Judge. 32

Of Idiots to be appointed by the Judge of Probate. 206

Of Minors impowered to join in the Partition of Real Eſtates. 237

To account with the Minor when he arrives to full Age or ſooner if the Judge of Probate upon Complaint ſhall require it. 32

Guns.
Firing them in the Night in Time of War forbidden. 105

Not to be fired off near the Road on *Boſton* Neck. See *Boſton*.

Gun-Powder.
To be covered while carrying thro' the Streets in *Boſton* on Penalty. 187

Not to be carried on Trucks on Penalty. 202

To be lodged in the Powder Houſe except it be a Quantity under 50 wt. 154

Not to be kept in Veſſels lying at a Wharff. 202

Kept in Shops to Retail, to be kept in braſs or tin Tunnels. See Powder-Houſe. 202

H

Page

HARBOURS,
Not to be damaged by Ballaſt or Rubbiſh thrown out of Veſſels. 180
*Harvard*-College,
Corporation impowred to make Sale of Lands. 369
Hawkers. See Pedlars.
Haywards,
To be choſen annually. 45
Their Duty. 46,79
Their Fee. 46
Penalty for refuſing to ſerve or neglect of Duty. 44
Not to be obſtructed in their Duty. 80
To be choſen by Proprietors of Lands held in common. 248
Hedges, broke or removed. See Treſpaſs.
In Rivers to obſtruct the Paſſage of Fiſh. See Nuſances.
Heirs, to Eſtates Inteſtate.
Children and their Repreſentatives, to ſhare equally, except the eldeſt Son, who is to have two Shares. 3
Brothers and Siſters & their Repreſentatives to ſhare equally with the Mother in the Eſtate of a Child dying after the Death of its Father, where there is no Wife or Iſſue. 163
Grand-Children intitled to a Share, tho' their Father died in the Life-time of the Inteſtate. 113,276
Kindred higheſt to the Inteſtate to have it ſetled upon them if the Eſtate cannot be divided. 341
To render to the Widow her Dower within one Month after demanded. (See Eſtates Inteſtate.) 123
Hides,
Raw not to be exported except to *Great Britain*. (See Leather.) 115
Highways. See Ways.
*Hingham*,
Inveſted with Power to call Proprietors Meetings. 379
*Hopkinſton*,
Truſtees impowered to give new Indentures, Tenants impowered to divide their Commons, and a Regiſter to be appointed. 299
Horſes,
Not to be ſhip'd before they are toll'd. 118
Penalty on ſuch as ſhip them and on Maſters of Veſſels who receive them on board before they are toll'd. 119
Going on a Common to be firſt entred with the Town Clerk. 45
Found doing Damage in Corn-Fields or Incloſures. (See Cattle & Haywards.) 45
Hoſpital,
On *Rainsford*'s Iſland regulated. See Sickneſs. 375,378
Houſe of Repreſentatives. See Repreſentatives.
Houſe-breaking,
In the Night time. See Burglary. 183
Houſe-burning. See Felony.
Houſes,
Maliciouſly or wantonly damaged. 188
Houſe of Correction.
To be provided in each County. 99
A Maſter & Wardens to be appointed. 99,101
Rogues, Vagabonds, Beggars, idle Perſons, &c. to be ſent there. 99,214
Indian Negro or Molatto Servants found Abroad after nine o'Clock at Night, or otherwiſe diſorderly, to be ſent there. 145
Government of ſuch Houſe. 99,100
The Maſter's Duty and Pay. 99,100
Hue & Cries after Criminals.
See Juſtice of Peace his Power.

I

IDIOTS and diſtracted Perſons.
Select-Men or Overſeers of the Poor to provide for their Relief. 50
Their Eſtates to be improved or ſold. 50
Their Eſtate liable to the Payment of Debts. 159
When ſuch Perſons are Heirs to inteſtate, Eſtates no Diviſion to be made 'till Guardians are appointed. 206
Jeſuits. See popiſh Prieſts.
Illegitimate Children. See Baſtards.
Imbezlement.
When any Perſon is ſuſpected by an Executor or Adminiſtrator of concealing Goods belonging to the Deceaſed, ſuch ſhall clear themſelves by Oath or be committed. 66
When any one is ſuſpected by the Heir or others intereſted, he is to clear himſelf by Oath, or be committed. 114
Alienating Goods or Chattles of a Perſon deceaſed before Letters of Adminiſtration are taken out. 4
Goods taken away at Fires and concealing them two Days after Proclamation is made. 169
Immoralities.
Act againſt them to be read in Town-Meetings. 170
Impotent Perſons
Brought into this Province how to be ſupported. 126
Impoſt,
Duties on Goods imported and exported to the Government of *New-Hampſhire*. 219,220

Incloſures, Page
Not to be laid open. See Treſpaſs. 231
Inceſtuous Marriage. See Marriages.
Indians.
Commiſſioners to be appointed who are to have the Care of them. 48
Penalty on ſuch as ſell them ſtrong Drink, and Manner of Conviction. 49
Strong Drink found with them to be ſeized. 49
Selling ſtolen Goods to be puniſhed. 82
Not to be put out as an Apprentice but by the Allowance of two Juſtices. 115,201
To be reliev'd by the Court of Seſſion, if aggrieved. 116
Selling their Lands without Licence to be void, ſaving Lands purchas'd of Indians at *Nantucket*, *Martha's-Vineyard*, & eaſtward of *Piſcataway*. 137
Making Deviſe of Lands to be void unleſs approved of by the General Court. 328
Giving Leaſes of Lands to be approved of by the General Seſſions. 138
Giving a Note Bond or other Specialty void, unleſs approved by two Juſtices, 201
Contract for Service void unleſs approved by two Juſtices. 201
Lands not liable to pay their Debts. 205
Such as are Servants not to be Abroad after nine o'Clock at Night. 145
Imported into this Province to be entred in the Secretary's Office, and Security given. 174,175
Infection. See Sickneſs.
Indigent Perſons. See Poor.
Inhabitants. See Town Inhabitants.
Inholders. See licenced Houſes & Taverns.
Inqueſt. See Jurors.
Inſolvent Eſtates. See Eſtates.
Intereſt,
For the Loan of Money &c. fix'd, and Penalty for contracting or receiving more. 35
Joiſt. See Lumber.
Iſſue mixt,
By Marriage or Fornication with Negros or Molattos, Penalty. 151,152
Judgment of Court,
Not to be arreſted or reverſed for circumſtantial Errors. 132
To be ſatisfied in the ſame Specie as the Judgment was given for. 33
Jurors Grand.
To be annually choſen and ſworn. 57
Penalty for not appearing. 58
Their Oath. 26
To enquire into and preſent the Breach of all Laws and Miſdemeanors proper for their Enquiry 57,137
Their Allowance. 58,209,244
To ſerve one Year. 57
Not obliged to ſerve more than one Year in three. 58
Jurors Petit.
For the Court of General Seſſions of the Peace their Choice &c. 94
For the Court of Common Pleas. 96
For the Court of Aſſize &c. 98
Their Oath. 26
Their Allowance. 196
Fine for Default of Appearance. 58,196
Fine not paid to be levied on Goods or Chattles. 58
To be return'd by the Sheriff in Caſe. 95,96,98
Allowance to Perſons appointed to keep them. 267
Jurors for Inqueſt.
How to be ſummoned and Manner of proceeding. 110
Juſtice of the Peace.
His Oath. 25
His Fees. 27,70
To take Cognizance of, & puniſh breakers of the Peace, profane Swearers or Curſers, Drunkards, unlawful Gameſters, Perſons who ſell Weights or Meaſures unſealed, diſorders in licenced Houſes, &c. 9,37,84 85,289
To take Cognizance of, and puniſh defamatory Lying and Libelling, and Theft, provided the Damage exceed not *forty Shillings*. 11
To puniſh breakers of the Sabbath. See Lord's Day. 392
To cauſe to be ſtayed and arreſted (upon his own view or other ſufficient Evidence) all Affrayers, Rioters Diſturbers and Breakers of the Peace, Perſons going armed offenſively, ſuch as uſe threatning and menacing Speeches, Deſerters from the Land or Sea Service, and other criminal Offenders. 10, 11, 106
To command any Perſon's Aſſiſtance in the Abſence of a Sheriff or Conſtable. 90
Walking by Night to inſpect the order of the Town wherein they dwell, may command Conſtables or Watchmen to attend them. 175
To hear Complaints of Perſons ſelling Liquors without Licence. 63
May bind over Perſons charged or ſuſpected of having begotten Baſtards.
To hear & determine all Debts, Treſpaſſes and other Matters under the value of *Forty Shillings*, where Freehold is not concerned. 70
Summons, Capias, or Attachment to be ſerved ſeven Days before the Trial. 70
To iſſue a Warrant of Contempt in Caſe of Non-appearance. 70
May iſſue a Writ of *Scire Facias* upon the Judgment of a deceaſed Juſtice. 365
Forms of Summons for Appearance, Summons when Goods are attached, Capias or Attachment, Warrant for Contempt, Execution, or Warrant of Diſtreſs. 130,131
Form of a Writ of Replevin. 217
Form of a Writ of *Scire Facias*. 129
To grant an Appeal if demanded, provided the Party recognizes with one ſufficient Surety in the value of the Debt. 70

Page

To hear and determine the Breach of By-Laws and punish Offenders. 20,190
To make Enquiry of forcible Entry and Detainer, and proceeding thereon. 10,117
Manner of proceeding in Actions of Trespass, where the Defendant justifies on Plea of Title. 81
To summons Witnesses to appear before Referees. 312
To assist in laying out Streets in Case of Desolation by Fire. 2
To call Town Meetings in Case. 22
To call Precinct or Parish Meetings. 223,266,271
To call Proprietors Meetings. 175,199,277
To solemnize Marriages, & attend the Directions of the Law therein on Penalty. 16,60,196
Two (*Quorum unus*) to hear Complaint of Insolence or Violence offered to Persons in the Streets &c. provided the General Sessions of the Peace are not Sitting. 167
Two, to give their Assent to binding out poor Children. 214
Together with Select-men to give Surveyors their District. 227
Two, together with Select-men to appoint proper Places for Slaughter-Houses and other Trades, which are Nusances. 166
To see the Laws respecting Schools and School-masters duly executed. 137
To appoint Appraizers of Cattle &c. impounded. 145
Two, *Quorum unus*, to make out Warrants of Assessment for the Support of Ministers. 141
Two, *Quorum unus*, may bind out Indian Servants. 115
Two, *Quorum unus*, to take Affidavits *in perpetuum rei memoriam*. 64
To take Affidavits out of Court. 64
To convent Masters of Vessels on suspicion of their having landed Passengers or Goods contrary to Law. 125,136
To order infectious Vessels or Persons to the Province Hospital. 378
To impress Houses to entertain sick Persons. 136
To take up Hawkers and Pedlars, and bind them over. 232
To appoint Viewers of Shingles &c. in Case. 61
May administer the Oath to Sealers of Weights and Measures. 315
To prosecute Offenders respecting the Assize of Bread, and Power to seize it himself in the County where he he dwells. 211
May order the Release of Mariners taken for Debts contracted after entred upon a Voyage. 46
May swear Appraizers to intestate Estates in Case. 263
Two to issue their Warrants for the Choice of a Register of Deeds. 229
To render an Account of Fines every six Months. 123

Page

K

KING.
Compassing or imagining his Death. See High Treason. 67

L

LAME Persons.
Not Inhabitants of this Province, how to be supported. See Poor. 126
Not to be excus'd from Military Duty by a Certificate from Surgeons unless approved by their Officers. 40,139
Land Bank.
Acts to put an End to it. 309,314,316,334, 345,372,383.
Lands.
Taken by Execution redeemable. See Equity.
In Possession a limited Time quieted. 74,186
Granted by the General Court, and not setled. See Grants. 193
Of Persons deceased, may be sold by Order of the Justices of the Superior Court for Payment of Debts. 67
Not to be sold 'till due Notice is given by the Executor or Administator. 205
See Estates and Executions.
Lands held in Common.
Proprietors to call a Meeting, chuse a Clerk, raise Money &c. 176,189, 235, 363
To chuse a Treasurer. 293
To chuse Assessors and Collectors. 248,293
To run the Line and ascertain the Bounds, once in two Years. 19
To make Partition when required. 36
To make Orders and annex Penalties. 239
To sue and defend, and Manner of proceeding therein. 52,53,235
The Charge of setting up Fence to be proportioned among the Proprietors. 248
How it shall be maintained. 88,199,248
Damage done for want of sufficient Fence. 80
To choose a Hayward. 248
No Trees to be cut down or Strip made without Leave from the Proprietors. 81, 240
Nothing to be transacted at their Meetings, but what is expressed in the Notification. 177

Page

Cottages &c. not intitled to Commonages, but in Case. 19

Leases by Parole &c. See Frauds.

Leather.
To be sealed before it goes from the Tanners, and further Directions respecting it. 76, 77
Sealer to be appointed & his Duty. 19, 77
His Oath. 26
Penalty for refusing to serve. 164
Not to be exported, except to *Gt. Britain*. 115
Not to be dress'd with Lime, Allum, or Oil. 158
Proper Places for currying it to be assigned. See Nusances. 15, 166

Legacies.
May be recovered at common Law. 36

Legatees.
Residuary may sue Co-Executor. See Executors. 146

Libelling.
Punishment thereof. 11, 172

Licence.
For selling strong Drink to be spent without Doors.
None to sell without Licence on Penalty. 12, 63, 170
To have the Approbation of the Select-Men. 170
To be granted by the Justices of the Quarter Sessions. 12, 13
Time for granting it. 86
To be renewed yearly and Bond given. 13, 84
Form of Recognizance. 85
The keeper of licenced Houses not to suffer drinking or tippling in or about his House on Penalty. 55
Unable to pay the Fine to suffer corporal Punishment. 63
Their Licence to be forfeited in Case. 56
Liquors to be seized if found in Unlicenced Houses after one Conviction of selling. See Tavern. 63

Light-House.
Acts for building and supporting it. 184, 349

Limitation Act. See Lands in Possession.

*Lincoln*,
Erected into a County. 391

Liquors.
Not to be sold by unlicenced Persons. See Licences.

Lord's-Day.
The several Acts respecting the Lord's-Day are repealed, and one Act established in their Stead. 393

Lotteries.
Acts for suppressing them. 203, 270, 362

Lumber.
Shingles under due Assize or defective forfeited. 61, 166
Boards, Plank, Timber, or Slit-work to be surveyed &c. before Sale. 165
Surveyors &c. to be chosen annually. 165
Fees for surveying, telling &c. 165, 166


Page

## M


MA'CREL.
Caught too early. See Fish.

Malt.
To be sufficiently dried cleansed and viewed before the Sale, and how it is to be measured. 128

Marblehead.
Act to secure the Harbour and Beach there. 254

Mariners.
Not to be arrested for Debts contracted while they belong to Ships. 46
Not to be ship'd and kept on board one Vessel, after Notice given of his belonging to another. 46
Deserting their Service how to be proceeded with. 46, 106

Market Clerk. See Clerk.

Marriages.
By whom to be solemnized. 16, 60, 195
Fee. 196
Intentions or Purpose of Marriage how to be made publick. 16, 60
Not to be pulled down when posted on Penalty. 16
Banns forbidden, how to proceed. 61
Of white People with Negro or Mollatto, forbidden. 152
Secret, incestuous or clandestine guarded against. 59, 246
Of Persons when their former Husbands or Wives are alive, in what Case its accounted Felony. 51
When a Marriage is to be declared void. 16, 89
When Divorce is made the Parties not to dwell together. 60
Punishment of such as do not abide by the Decree of the Governor and Council. 371
When a Woman is divorced may have a Part of her Husband's Estate assigned her. 60
Certificates of Marriages to be returned by the Justice or Minister to the Town-Clerk. 61
Register of them to be kept. 16, 61, 196, 247
List to be delivered by the Town-Clerk to the Clerk of the Sessions. 196

*Martha's-Vineyard*,
Erected in a County &c. 62

Masters of Vessels.
Not to receive on board their Vessels Provisions without the Packer's Mark. 8

Page

Not to receive Fish on Board till it has pass'd a sworn Culler. 200
Not to take on Board for Exportation raw Hides &c. till Bond is given. 115
Not to bring any Lame or impotent Persons into this Province. 126
To report at the Impost Office, Goods brought from *New-Hampshire*. 219
Not to engage Seamen ship'd before. See Mariners. 46
To give Security for Passengers. 125,225
Importing Indians. See Indians. 174
Importing Negroes to secure the Duty. 152
Not to entertain on Board their Vessels Men's Sons or Servants. 57

Measurer of Salt or Lumber. See Lumber and Salt.

Measures and Weights.
A Sealer to be annually chosen and sworn. 22,315
His Duty and Fees. 23,149,150,288,315
Dimensions stated. 22,116,266
To be sealed yearly. 23
Standard to be provided and sealed by the Province Treasurer. 23,149
Standard agreable to that to be provided by the Constable and committed to the Select-Men. 22
Penalty on Select-Men, Constables &c. for neglect of Duty. 23
Penalty on such as neglect to have their Weights and Measures sealed, and for weighing or measuring without. 149
Not to be exposed to Sale unsealed. 289

Meat,
Blown forbidden to be sold. 15

Militia.
Formed and regulated. 38,98,104,139,174

Miller.
To be provided with Scales and Weights, and weigh Corn and Meal if desired. 160,252
His Toll for grinding stated. 160
Penalty for taking too much Toll or refusing to weigh Corn & Meal. 253

Mills.
Standing in need of Repair how a Meeting of the Owners shall be called, and Manner of proceeded therein. 160
Built on Lands by Consent of the Proprietors not to be molested afterwards. 181
Occasioning the overflowing of Land, the Party injur'd to recover Damages. 180

Dams,
Made to supply them with Water not to be broken or damaged. 243
Owners to make a suitable Passage for Fish in such Dams. 313,322

Ministers,
Towns to be provided with them. 16
Method of choosing them; saving to *Boston*. 33,34
Towns destitute of them to be provided by the Quarter Sessions. 16,17
Chosen by the Church and not approbated by the Town, how to proceed. 62

Page

In Choice of them the same Persons who vote in the Church may also vote in the Town. 62
Their Settlement and Support provided for. 16,34,141,301
To take in Succession Parsonage Lands. 370
Grants or Donations to them or to the Poor of the Church to be sued for or defended by the Church Officers. 370
Contracts with them to be fulfilled. 141
*Illiterate*, Towns not obliged to support them. 386
Of Precincts how to be supported. See Precincts. 198
May solemnize Marriages in their own Towns. 16,60
May marry Persons in the next Town, in Case. 195
Are to attend the Direction of Law respecting Marriages on Penalty. 60
Of the Church of England, may have the Benefit of the Rates of such Persons as attend with them. 301
Together with neighbouring Ministers to approbate Grammar School-Masters. 137
Not to be accepted as School-Master of their Town. 137

Molattos or Negros,
Not to put off stolen Goods. 82
Not to be Abroad after nine o'Clock at Night. 145
Not to be entertained in public Houses. 84
Not to strike a white Person. 152
Not to intermarry with white People, and Penalty on such as join them in Marriage. 151,152
Committing Fornication with white Persons how to be proceeded with. 151
To attend in Case of an Alarm. 157

Money.
Silver, Value thereof stated, 155,295,304,318,326 329,331,337,340.
Counterfeit or base not to be uttered. 119,143
Counterfeited or diminished, Punishment thereof. 119,143,366
Stolen. See Theft.
Found how to proceed. 83

Mortgages,
To be Registred. 72
How to be discharged. 73
Time allowed for Redemption. See Equity. 92
May be redeemed by the Creditor of the Mortgager, and the Title be good. See Estates. 280

Murder,
To be punished with Death. 71

Muster-Rolls of Forts &c. See Forts.

N

NANTUCKET, Page
Appeals from the Inferior Court there to be tried at *Boston*. 62,234
Court of Aſſize to be occaſionally held there. 97
Times of holding the Courts there altered. 350
Naval Office,
Eſtabliſhed, and Fees for ſaid Office. 138
Penalty for taking greater Fees. 139
No Veſſel to be cleared there till the Light-Houſe Dues are paid. 185
Naval-Stores.
Aſſize of Caſk for Tar, Pitch, Turpentine and Rozin. 147
To be ſearched and marked before its offered to Sale. 159
Turpentine to be ſtrained before it is put up for Sale. 148
Act for the Preſervation of Pine Trees &c. 183
Negroes.
Not to have their Freedom till the Town is ſecured. 144
Duty upon them to be ſecured upon Importation. 152
To do Service equivalent to Trainings and attend in Caſe of Alarm. See Molatto. 157
*New-Hampſhire.*
Goods imported from thence to pay a Duty. See Impoſt Office. 219
New Plantations.
Impowered to aſſeſs levy and collect Taxes. 348
Non compos Perſons. See Idiots.
Nonſuits,
See Coſts. 132
Notary Public.
Fees eſtabliſhed. 177
Nuncupative Wills.
In what Caſes to be Good and Manner of proving them. See Wills. 6
Nuſances.
Slaughter Houſes, Diſtill-Houſes, Tallow-Chandlers, Curriers & Dreſſers of Leather in improper Places. 15,68,158,166,167
Fiſh obſtructed in Rivers by Weares, Hedges &c. in the Spring of the Year. 162, 240
Potters Kilns ſet up in Sea-port or Market Towns in any Place but ſuch as is aſſigned for that Purpoſe. 292
High-ways, Country Roads, Streets &c. annoyed or incumbered. 44,75
Buildings in *Boſton* made contrary to Law. 1

O

OATH. Page
Forms of ſuch as are to be taken inſtead of the Oaths of Allegiance, and to be taken by Officers and others when required, and Penalty for Refuſal. 24,207
Form of a Councellor's Oath. 25
Of the Juſtices of the Superior and Inferior Court. 25
Of a Juſtice of the Peace. 25
Of Sheriffs or Marſhals. 26
Of Town Clerk. 26
Of Coroners Jurors and Witneſſes. 110
Of Tythingmen. 85
Of Attornies. 134
Of Aſſeſſors. 256
Of Collectors of Taxes. 214
Of Conſtables. 26
Of Cullers of Fiſh. 200
Of Gagers and Searchers of Naval-Stores. 149
Of Maſters of Veſſels upon entring of Goods at the Impoſt Office. 220
Of Perſons accuſed of ſelling ſtrong Drink to Indians. 49
Of Aſſaymaſters. 222
Of Grand-Jurors. 26
Of Petit Jurors. 26
Of Leather Sealers, Clerk of the Market and Packer. 26
Of the Clerk of Militia. 40
Quakers to take a Declaration inſtead of an Oath. 25
To be taken reſpecting Bills of the neighbouring Governments. 332
Offenders Criminal.
Acts to ſuppreſs & puniſh them. (See Juſtice of the Peace.) 9, 37, 51, 55, 99, 100, 101, 145, 154, 169, 170, 171, 195, 253, 272
Officers.
Of Forts and Garriſons. (See Forts.)
Of Towns. (See Towns.)
Military. (See Militia.)
Orchards robb'd. (See Treſpaſs.)
Overſeers of the Poor.
Their Power & Duty. See Poor and Selectmen. 21,50,278

P

PACKERS.
Their Appointment, Duty and Oath. 7,8,26
Pamphlets.
Obſcene or profane &c. not to be publiſhed on Penalty. See Libeling. 172
Pariſh. See Precinct.
Partition of Eſtates. See Eſtates.

Page

Pedlers.
Not allowed on Penalty. 232
Perambulation.
On Boundary Lines. (See Towns.)
Perjury.
Punishment thereof. (See Frauds.) 12
Pilferers. See House of Correction.
Pine Trees.
Not to be boxed or bark'd. (See Naval-Stores.) 183
Pitch. See Naval-Stores.
Plank. See Lumber.
Pleas.
To be in English. 132
Of Title in Justification before a Justice of the Peace. See Justice. 81
Of Bar and Abatement to be made before issuable Plea. 396
Proceedings on Appeals on Judgment in Pleas of Bar and Abatement. 396
Of Bar and Abatement to be filed before the Jury is impannelled. See Actions and Writs. 302
Of Disclaimer or Non-tenure. See Ejectment and Trespass. 242
Polygamie.
What is accounted so & it's Punishment. 51,89
Poor.
Select-Men (where Overseers are not chosen) to have the Care of them. 21,214
Children and such as live idly to be set to Work or bound out. 101,214,306
When they are to be relieved at the Charge of the Province. 126,136
When at the Charge of the Town. 21,125, 136,289
When by their Relations. 21
When to be supported by such as receive and entertain them on their first coming into the Town. 282,290
An Assessment to be made for Stock to set the Poor to Work. See Workhouse. 101
Popery.
No Jesuit or Popish Priest to reside in the Province unless occasioned by Shipwreck or some other unavoidable Means. 107
Possession. See Lands in Possession & Writs.
Posthumus Children. See Estates.
Posts.
Passing Ferries without delay. (See Ferries. 69
Potters Kilns. See Nusances.
Pounds.
To be provided and maintained in every Town. 79
Penalty for being unprovided. 252
Fee to the Hayward and Keeper of Pounds. See Hayward. 46,80
For what Causes Cattle &c. may be impounded, Manner of Proceeding, and Penalty upon such as Rescue them. 79, 80
Owners of such Creatures if known, to be notified. 80

Page

If not Replevied within 48 Hours, or otherwise orderly released to be appraized &c. 145
Penalty for Pound Breach and Manner of proceeding, in Case it is committed by Persons under Age. 80
Powder-House.
To be under the Direction of the Governor and Council. 154
All Powder to be lodged there, saving to Forts &c. 154
Allowance for Merchant's Powder being there. 154
Keeper's Charge how defreyed. 154
Powder found out of the Powder House forfeited, and the Owner to be fined. See Gun-Powder. 268
Precepts,
For the Choice of Representatives. See Representatives.
Prescription. See Lands in Possession.
Precincts.
Inhabitants thereof to be assembled the first Time by a Justice of the Peace. 223
Justice of the Peace impowred to call a Meeting after the first Time in Case. 266,271
Impowred to raise and assess Money to support public Worship. 198
To choose necessary & proper Officers. 198
To choose Collectors of Rates and be answerable for them. 213,261
Warrant for Collection of Taxes to be the same of a Town Warrant. 141
Assessors to be under Oath. 218
To choose a Committee who are to have the same Power in calling Meetings &c. as Select-Men of Towns. 198,218
Nothing to be acted upon at their Meeting but what is inserted in their Warrant. 223,267
To choose Officers in Case of a Vacancy in the same Manner as Towns. 366
Moderator of the Meeting to swear the Clerk in Case. 271
May sue and defend, and Manner of proceeding therein. 52
When they are set off from any Town, the Remainder to be an intire Precinct. 198
Prisons.
To be provided in every County, and in the Shire Town. 110
To be in the Custody of the Sheriff. 102
Prisoners.
On Mean Process how long they may be held. 133
Making Escape to be accounted one Evidence. 108
Assisted to Escape, Penalty. 109
Escaping with the Keeper's Knowledge, Penalty on him. 109
Escape of Debtors thro' insufficiency of the Prison, the County to be answerable. 109
Escape when Bond is given for Liberty of the Yard, the Bond to be made over to the Creditor. 274


Charges

Page

Charges to be borne by the Attorney or Lawyer in Caſe. 153
Keeper to return a Liſt of Priſoners at opening of the Court of Aſſize. 108
His Duty and Penalty for Neglect. 108
To diſcharge a Priſoner for Theft after 30 Days unleſs Charges are ſecured. 140
To diſpoſe of the Priſoner for Payment of Priſon Fees in Caſe. 140
Salary allow'd the Sheriff or Keeper. 102
Fees. 30
To hold Perſons in Priſon by the Copy of Aſſeſſors Warrant. See Aſſeſſors. 135

Probate of Wills.
Any Perſon knowing himſelf to be named Executor in any Will, to cauſe the ſame to be proved and recorded within 30 Days after the Teſtator's Deceaſe, or declare his Refuſal of the Truſt. See Executors. 4
*Judge* to hold his Court on certain Days, which are to be publickly notified. 206
To grant Letters of Adminiſtration on inteſtate Eſtates, and further to proceed thereon. 3, 205
May ſettle Inteſtate Eſtates lying in ſeveral Counties. 272
See Adminiſtration & Eſtates Inteſtate.
May call before him and examine upon Oath, Perſons ſuſpected of concealing Goods belonging to the Deceaſed. 66, 114
See Embezelment.
To appoint Guardians of Minors. 32
Of Idiots. See Guardians. 206
To appoint Commiſſioners to receive and examine Claims to Inſolvent Eſtates. 65
See Eſtates inſolvent.
Not to judge or plead in any civil Action, which may have any Dependence or Relation to any Sentence or Decree paſs'd by him. 236
Office Fees. 27

Proceſſes.
Iſſuing out of the Superior Court. 97
Iſſuing out of the Inferior Court. 96
Original and Judicial whoſe Teſt they ſhall bear. See Writs, Priſoners and Sureties. 128

Prophaneſs, puniſhable.
See Juſtice of the Peace.

Proprietors of common Lands and Fields.
See Lands held in Common.
Of Wharves. See Wharves.

Province Monies,
Accounts of the iſſuing and diſpoſal of them to be laid before the General Court. 65

Publick Houſes.
See Taverns and Licences.

Page

Q

QUAKERS,
Declaration of Fidelity. 25
Declaration inſtead of Abjuration Oath. 208

R

RAPE. See Felony. 71

Rates.
To be apportioned in Towns &c. by the Province Tax. 258
Committed to Collectors or Conſtables, and deficient their Bodies and Eſtates liable, and when no Eſtate can be found, the Town is anſwerable. 260, 261
Unequally laid on any Perſon, may be relieved. 258, 294
Being paid by a Perſon Reſident in any Town, ſhall not oblige ſuch Town to ſupport them. 289
See Aſſeſſors and Collectors.

Recognizance.
Forfeited, by whom to be ſued. 86
Not to be put in Suit after two Years. 87

Redemption of Eſtates.
See Eſtates and Equity.

Re-entry of Action.
See Action. 302

Reformation.
Act for the Reformation of Manners. 169

Regimental Muſters.
See Militia. 39

Regiſter of Deeds.
To be choſen by the Freeholders in the County once in five Years, and to be under Bonds. 185, 216
His Office to be kept in the Shire Town. 186, 216
How to be choſen in Caſe of a Vacancy. 229
His Duty. 72, 184, 216, 246
His Fees. See Deeds. 73, 230, 246

Rencounter and Duelling.
Puniſhment thereof. 253

Rents,
Liable to ſatisfy an Execution.
See Execution. 204

Replevin.
Form of the Writ. See Writ. 217
Manner of proſecuting. 80
The Defendant obliged to anſwer if an atteſted Copy of the Writ is left at his Houſe. 217
May be granted by the Town Clerk.
See Pounds. 71

Reports,
To a Perſon's Hurt. (See Libelling.) 11

Repre-

Representatives, Page
For the Choice of them, Sheriffs to make out their Precepts within seven Days after the Receipt of his Majesty's Writ. 47
Select-Men to call a Meeting, and Constables to warn it. 47
Every Town that has forty Freeholders and others qualified to vote to send one. 31
*Note.* By an Act of the 4th of *George* the second, Towns were not obliged to send without having eighty Voters, but this Act was disallowed.
Two may be sent from Towns which have one Hundred and twenty Freeholders and others qualified to vote. 31
Four may be sent from the Town of *Boston*. 31
In the Choice of them the Select-Men to regulate the Meeting. 31
Forty to constitute a House. 31
The House to be Judges of the Election and Qualification of their own Members. 31
Penalty for Non-Attendance. 31
Penalty on Select-Men, Sheriff or Constables for Neglect of Duty. 47
Not to depart without Leave of the House. 31
Neither themselves or Servants to be arrested or molested during the Session. 32
Their Allowance for Attendance. 182
Voters in the Choice of them questioned as to their Qualifications are to make Oath. 48
Penalty on Persons putting in more than one Vote, and for voting not qualified. 48
To have a Son or Servant exempted from Military Duty. 147
Not to be delayed at Ferries and transported Ferriage free. 53
Messengers Allowance for Attendance. 51
Relcous.
(See Haywards and Pounds.) 80
Retailers.
Their Houses to be inspected by the proper Officers. 56,245
Not to suffer Town Dwellers to be in their House on the Lord's Day. 393
To forfeit Debts for Victuals & Drink to Inhabitants if the Debt be more than *ten Shillings*. 219
Their Licence forfeited in Case. (See Licence and Tavern.) 56
Review in Civil Causes.
Granted once in each Court. 133,134
To be brought in three Years from the Judgment reviewed. 134
Party bringing it to produce attested Copies of the Writ &c. 134
By Infant &c. may be bro't three Years after the Imperfection removed. 134
Both Parties reviewing the same Cause, both Writs of Review shall be committed to the same Jury. 216
Original Plaintiff not being an Inhabitant of this Province, Writ of Review may be serv'd on his Attorney &c. 269
In real Actions, the Defendant in Review not being an Inhabitant of this Province, Service may be on the Ter-tenant. 270
Not to be granted on Information filed by Impost Officers for Declaration of Forfeiture of Goods. 342
*Execution* not to be stayed by Reason of any Process of Review. 134
To be stayed on Bond to Review at the next Superiour Court, and to pay double Interest & Cost if Judgment affirmed. 269
Not to be stayed unless Bond is given to pay the Debt or Damage recovered, and double Interest if wholly affirmed, and single Interest if partly affirmed. 357
Rioters. See Justice of the Peace.
Road. See Ways.
Robbery,
Punishment thereof. 10,167,195
Of Orchards &c. (See Trespass.)
Rogues, Vagabonds &c.
See House of Correction.
Rozin,
See Naval Stores.
Rout in the Night.
See Justice of the Peace.
Rum,
Abuse in distilling. (See Assay-masters.)


S


SABBATH.
See Lord's Day. 393
Sale,
Of Lands &c. belonging to Persons deceased. (See Court of Judicature and Administrators.)
To be Registred. (See Deeds.)
Salt,
Measurer to be appointed annually, his Duty and Fee. 9
Schools,
To be provided in every Town. 17
Trustees for them impowered to sue and defend. 52
School-Masters,
For reading and writing to be approved by the Select-Men. 171
For learning Latin &c. to be approved by the Town Minister, and the Neighbouring Ministers, any two. 137
To be supported. 17

Page

No Miniſter of a Town to be accepted as a School-maſter of ſuch Town. See Towns. 137

*Scire-Facias.* See Writ.

Scriptures.
The Word of God as contained in the Old and New Teſtament not to be reproached. 72

Scyths,
Not to be rode with naked. 233

Seal.
Of the King or Province counterfeited. (See Treaſon.) 67

Sealer,
Of Meaſures and Weights, his Choice, Duty and Fee. (See Meaſurers.) 23,315
Of Leather, his Choice, Duty and Fee. (See Leather.) 19,77

Seamen.
See Mariners. 46,165

Searcher of Naval Stores,
His Duty and Fee. (See Naval Stores.) 159

Secretary,
His Fees. 28,186,197

Seiſin.
Writ. (See Writ.) 124

Select-Men.
To be choſen annually. 19
To call Town Meetings. (See Town-Meetings.) 19
To regulate Meetings in the Choice of Repreſentatives, and make Return of the Precept. 31
Penalty for Neglect. (See Repreſentatives.) 47
To do the Duty of Aſſeſſors in Caſe. (See Aſſeſſors.) 257
To make Aſſeſsment for the Support of public Worſhip in Precincts, in Caſe. (See Precinct.) 198
To have the Care of the Poor when Overſeers are not choſen for that Purpoſe. (See Poor.) 214
To oblige idle Perſons to Work. (See Houſe of Correction.) 20,214
To have the Care of Idiots & diſtracted Perſons, in Caſe. (See Idiots.) 50
To renew the Bounds of Townſhips once in three Years, and Manner of proceeding thereon. 18
To ſee the Town is provided with School-Maſters. (See Schools.) 17
Neglecting their Duty reſpecting Miniſters. (See Miniſters.) 34
To make By-Laws, having ſuch Inſtructions from their Town. 20
They or any of them may ſeize Bread in their Town made for Sale not according to Law. 212
To appoint Diſtricts for Surveyors of Highways. 226
Impowered to lay out private Ways. (See Ways.) 44,179
To ſwear Town Officers, in Caſe. 118
To appoint Perſons to inform of Breaches of the Acts reſpecting Vice &c. 171

Page

To cauſe reputed Drunkards to be poſted up. 56,171
To make Proviſion in Caſe of infectious Sickneſs. (See Sickneſs.) 135
To provide the Town's Stock of Ammunition. (See Towns.) 41
To appoint ſuitable Places for Pounds. (See Pounds.) 79
To approbate Perſons for Licences. (See Licence.) 170
To ſeize Calves, Sheep & Lambs carried to Market contrary to Law. 15
To be notified of Strangers coming into the Town by ſuch as receive them. (See Towns.) 282
To aſſiſt in laying out Streets in *Boſton*. 2
To aſſiſt in aſſigning proper Places for Slaughter Houſes &c. (See Nuſances.) 15

Sermons,
Or any Part of divine Worſhip not to be burleſqued. 172

Servants,
Not to be entertained in Licenced Houſes. 84
Diſorderly to be puniſhed. (See Houſe of Correction.) 99
Leaving their Maſter's Service without Leave to be puniſhed. 57
Entertained on board Veſſels, Penalty on the Maſters. 57
Carried off in Veſſels, Forfeiture on the Maſter or Commander. 202
In Caſe of Sickneſs to be provided for by their Maſters. 126
Servants for Life. (See Negroes Molattoes &c.)

Sewers.
Commiſſioners, their Appointment, Power &c. 142

Sheep,
Not to go without a Shepherd from the 1ſt of *May* to the laſt of *October*. 46
For what Cauſes they may be impounded. (See Cattle & brute Creatures.) 79

Sheriff.
To give Bond for the faithful Diſcharge of his Truſt. 102
His Oath. 26
His Fees for Service, and travelling Fees. 30,51,70
To have the Cuſtody of the Goal and Allowance. 102
To ſettle Account of Fines and have a *Quietus* from the Juſtices of Aſſize and of the Seſſions. 37
Having his *Quietus* ſhall be diſcharged, unleſs called in Queſtion within two Years after it is granted. 38
May require Aid in any Criminal Matter, and Penalty on ſuch as refuſe their Aſſiſtance. 89
Penalty on ſuch as call themſelves Sheriffs who are not. 90
To make out Precepts for the Choice of Repreſentatives within 7 Days after Receipt of his Majeſty's Writ and Penalty for Neglect. 47

Page

To disperse the Treasurer's Warrants for Collection of public Taxes. 259

To levy the Lands &c. of defective Collectors or Constables by Warrant from Treasurer. 261

To collect Rates in Towns that neglect to choose Constables or Collectors, and Manner of proceeding thereon. 319, 320

Not accounting with the Province Treasurer for Rates received liable to be distrained on. 261, 285

Not to detain Money in his Hands which he received by Execution. 284

Not to appear by Power of Attorney in Court for any Person living in the County where he's an Officer except. 383

Of the Neighbouring Provinces allowed to pass and re-pass in This in the Execution of their Office. 229

Shingles.
Taken from Wharves without Leave of the Owner. (See Trespass.) 239
The Assize of them, &c. (See Lumber.)

Ships.
Bringing Passengers to be suitably provided. 342
Penalty on the Masters if otherwise. (See Masters.) 343

Shoe-Makers.
Not to be Tanners. 76
Not to work up insufficient Leather. See Leather. 76

Sickness.
The spreading of infectious Sickness, provided against. 135, 356
Spreading in any Town where Courts are held, the Court may be removed. 265
Regulation of the Hospital on *Rainsford's-Island* for Reception of the Sick. 375, 378
Regulation of Passengers in Vessels to prevent Sickness being brought. 342
Persons infirm, Lame &c. (See Poor.)

Silver. See Money.

Slaughter-Houses.
Set up in improper Places. (See Nusances.)

Slitwork. See Lumber.

Small-Pox. See Sickness.

Soldiers. See Militia.

Specialties. See Bonds.

Spurious-Issue. See Negroes & Molattoes.

Standard of Weights & Measures. (See Measures.)

Staves. See Lumber.

Stealing. See Theft.

Stile.
The Statute regulating it. 351

Still-Houses,
In improper Places. See Nusances.

Stocks.
To be provided. (See Towns.)

Strangers.
Imported into this Province to be duly provided for on Board the Vessel. 342
Owners or Occupiers of Houses that take in Strangers to give Notice to the Select Men. 282

Page

Towns not obliged to support them in Case of Need, unless they become Inhabitants. (See Towns.) 289
In what Cases to be relieved at the Charge of the Province. 290

Strays.
Taken up to be cried and posted, and further proceeding thereon. 83, 246
Owner if known to be notified. 80
To be entred with the Town Clerk and transmitted to the Register of Deeds. 246
Town Clerk's Fee. 83
Additional Fee. 246
Register's Fees. 246
Penalty for Neglect of Duty and for taking greater Fees than are allowed. 246
Not to be taken up between the 1st Day of *March* and the first Day of *December*, unless found in Inclosures. (See Page 246.) 84
Persons taking up Strays between the first of *November* & the 1st of *March* to be allow'd his reasonable Charges, tho' he don't proceed to an Appraizement. (See Pounds.) 241

Streets.
Incroached upon. (See Nusances.)
By whom to be laid out &c. in *Boston*. See *Boston*.

Strip and Waste.
Not to be made on Land while Action of Ejectment is depending. (See Action.) 292
Not to be made while Suit for Division is depending. (See Lands held in Common.) 246

Suggestion of Waste.
In such Case the Body of an Executor or Administrator may be taken. (See Executors and Administrators.) 146

Suits.
Depending and either Party dead, may be pursued by the Executor or Administrator. 247
Brought against Towns &c. See Towns. 52, 235
For Redemption of Estates &c. See Equity.
For *Transitory Matters*, not to be bro't in a County where neither Party is an Inhabitant, in Case. 338
Limitation of Law Suits and Manner of Proceeding on Actions. (See Actions and Sureties.)

Summons.
Form of a Summons for Witnesses. 132
By whom may be granted. 71, 132, 312
From Clerks of the Peace to run thro' the Province. (See Clerk.) 154
How served when brought upon Writ of Dower. (See Actions.) 122
Original Summons. (See Writs.) 127

Superiour Court. See Court.

Sureties.
Bail given to remain good tho' either Party die while the Action is depending. 284
To be good 'till the Action be determined on Appeals in Pleas of Bar or Abatement. 396


For

Page

For profecuting Appeals how far liable. 133
Liable in Caſe of the Principal's Avoidance, unleſs. 37
Upon Appeals to anſwer intervening Damages, in Caſe. 120
To be ſerved with a Writ of *Scire Facias* within one Year after the firſt Trial. 37
May be ſerved with a Writ of *Scire Facias* within two Years after Trial in Counties where Superiour Court is held but once in a Year. 193
To be diſcharged upon delivering up the Principal, and paying the Charge of the Suit by *Scire Facias*. 150
For Perſons charged with Theft to anſwer treble Damages to the Party. (See Theft.) 195
For Liberty of the Priſon Yard liable for the Debt &c. in Caſe of Eſcape. (See Priſoners.) 274
May bring their Action againſt the principal Debtor for the Damages ſuſtained. 37

Surveyors of Highways.
To be annually choſen and ſworn. 19,43
Their Duty. 43
Penalty for refuſing to ſerve or neglect of Duty. 44
Their Diviſions to be appointed by the Select-Men. 226
Manner of notifying Perſons to work. (See Ways.) 227

Surveyors.
Of Lumber. (See Lumber.)
Of Turpentine, their Duty and Fees. (See Naval Stores.) 147,159

Swearing.
Profanely, ſee Offenders Criminal.

Swine.
To be yoked and ringed from the 1ſt of *April* to the 15th of *October*. 46
For what Cauſes they may be impounded. 79
Not replieved in 48 Hours, may be appraized and ſold. (See Cattle.) 145

T

TALES-MEN.
See Jurors. 95,96,98

Tallow-Chandlers,
Work-Houſes ſet up in improper Places. (See Nuſances.)

Tanners.
Act to regulate them. (See Leather.) 76

Page

Tar. See Naval Stores.

Tavern.
Keeper to be approbated by the Select-Men, and licenced by the Quarter-Seſſions. 12, 170
To enter into Recognizance and the Form. 84
To be ſuitably provided for Entertainment of Travellers. 84, 170
Their Houſes to be inſpected. 56
Licence forfeited, and Penalty on the Keeper, in Caſe. 12,56,233
Debts contracted by the Inhabitants of the ſame Town for Victuals or Drink above *ten Shillings* forfeited. 219
Not more to be licenced than needful. 86
To be upon publick Roads and Places of great Reſort. 85

Refuſing to entertain Travellers, to forfeit their Licence. 170
Not to entertain Town Dwellers unſeaſonably. 84,170
Not to entertain Servants or ſuffer Muſick, Noiſe or Diſorder. 84,170
Not to entertain Pedlars. 233
(See Licence.)

Tenants.
In Eſtate where Execution is extended on the Rent for Debt and Seiſin given, are to attorn and become Tenants to the Creditor in Caſe. 204
*In common* to make Partition when required. 36
Not to make Strip or Waſte without Notice, or while Suit for Partition is depending. 240,241
See Lands held in Common.

Tenements.
Levied by Execution. (See Eſtates Execution and Equity.)

Theft.
Goods taken at Fires and concealed two Days after Proclamation is made for that Purpoſe. (See Imbezelment.) 169
*Perſons* convicted of Theft, to pay threefold Damages, and further puniſhed by Fine or Whipping. 9
Unable to make Reſtitution may be ſold. 10
Admitted to Bail, to Recognize to the King, and alſo to the Party injured. 195
Committed, not to be kept in Priſon more than 30 Days, unleſs Charges are ſecured. 140
May be diſpoſed of to ſatisfy Priſon Fees. (See Priſon.) 140
Their Accomplices to be puniſhed. 82,221
Convicted a ſecond Time for the Value of *forty Shillings* to ſet on the Gallows and be whip'd, a third Time for the Value of *three Pounds*, to ſuffer *Death*. 283
May be purſued by Hue and Cry. 11
To be heard and determined by a Juſtice of the Peace provided the Damage don't exceed *forty Shillings*. 9
See Juſtice of the Peace.

Page

Timber.
Not to be cut or taken off other's Land. (See Treſpaſs.)
Not to be ſold without being firſt meaſured &c. (See Lumber.) 165

Tithing-Men.
To be choſen. 19
Oath and Duty. 85
Penalty for not ſerving. 86

Toll.
For grinding Meal. (See Millers.)

Town-Meetings.
To be called by the Select-Men and warned by the Conſtables, or ſuch other Perſon as the Select-Men ſhall appoint. 19, 22
To be called at the Requeſt of ten Free-holders. 190
To be called by a Juſtice of the Peace, in Caſe. 22
To be regulated by a Moderator choſen by a Majority of Votes. 189
To be regulated by the Select-Men in the Choice of Repreſentatives. See Select-Men and Repreſentatives. 31
Nothing to be tranſacted but what is expreſſed in the Warrant. 190
None to ſpeak without Leave firſt obtained from the Moderator, or behave diſorderly, on Penalty. 189
In *March* anniverſary Meeting, the Lord's Day Act, & the Acts reſpecting Profaneſs, Drunkenneſs & other Immoralities to be read. 169
In *March* & *May* anniverſary Meeting, the Act for Limitation of Actions to be read. 368

Towns.
Enabled to raiſe Monies. 20
To be provided with Miniſters, and in Caſe of Neglect to be ſupplied by the Quarter Seſſions. (See Miniſter.) 16
To be provided with Schools. 17
Penalty for being unprovided with Schools. 137, 199
See Schools.
To be provided with Pounds. 79
Penalty for being unprovided with Pounds. 252
See Pounds.
To be provided with a Beam and Scales, & a Neſt of Troy Weights for a Standard. 22, 149
To be provided with a Standard for Meaſures agreable to the Province Standard. See Sealer. 22, 266, 288
To be provided with Stocks, & Penalty for being unprovided. 209
To be provided with Ammunition, and Penalty for being unprovided. (See Select-Men.) 41
Impower'd to make By-Laws and annex Penalties for Breach of them. (See Juſtice of the Peace.) 20
To chooſe Select-Men, Town-Clerk, and other Town-Officers in the Month of *March* annually. 19

Page

May chooſe them at any other Meeting, in Caſe. 153
Where no Juſtices dwell how ſworn. 118
Inhabitants Qualification to vote in the Choice of Town Officers, and other Town Affairs, except for the Choice of a Repreſentative. (See Temp. Acts.) 19
Having 40 Freeholders and others qualified to vote, to ſend a Repreſentative. (See Repreſentative.) 31
*Note.* For Qualification of Voters in the Choice of Repreſentatives: See the Royal Charter.
Officers choſen to be notified by the Conſtable. 19
Neglecting to chooſe Select-Men or Aſſeſſors, Penalty. 257
Anſwerable for defective Collectors or Conſtables. (See Collectors.) 261
To eſtabliſh private Ways laid out by the Select-Men. 242
To pay the Charge of ſick Perſons belonging to the ſame Town, tho' they reſide in other Towns, in Caſe. 163
To ſupport ſuch in Caſe of Need, as become Inhabitants by reſiding 12 Months and not warned. 125, 126
See Poor.
Perſons warned out may be carried by the Conſtable in Caſe. 22
To be indemnified from Charge by Maſters of Veſſels who import Paſſengers. 125, 225
To be indemnified by ſuch as introduce Strangers without giving Notice. 283, 290
May ſue or defend, how to be ſummoned and how to make anſwer. 52, 53
Suits brought againſt them, the Writ to be ſerved 30 Days before the Trial. 235
Aſſeſsment for public Charges. (See Rates, Aſſeſsments &c.)

Townſhips.
Regulated. 18
To be perambulated & Bounds renewed once in three Years. 18, 275
Proprietors of new Townſhips being Delinquents, their Rights to be ſold to pay Charges. 286, 287
See Lands in Common & New Plantations.

Trainings.
See Militia.

Travelling.
On the Lord's Day. See Lord's Day.

Treaſon High and Miſpriſion of Treaſon.
Trials in ſuch Caſes regulated. 67

Treaſurer.
*Province* to account with the General Court. 63
Their Warrants ſhall be obeyed by Aſſeſſors and Collectors. 258, 259
Shall be diſperſed by the Sheriff of the County. 259
To ſend Certificate to the Clerk of the Seſſions when Towns neglect to chooſe Collectors or Conſtables. 320
May iſſue their Warrants againſt Aſſeſſors refuſing to aſſeſs the Sums order'd. 258

Page

May iſſue their Warrants againſt defective Conſtables, and againſt defective Sheriffs or Marſhals. 261

Shall iſſue an alias Execution or Warrant, in Caſe. 286
See Sheriff and Execution.

*Of the County*, his Choice, Duty & Oath. 17

To account with the General Seſſions of the Peace. 18

To lay his Account before the General Aſſembly. 165

To inforce the Payment of County Taxes in the ſame Manner and by the ſame Rules as the Province Treaſurer is enabled to gather the Province Tax. 165, 258

To recover the Penalty for marrying Perſons contrary to Law. 60

*Of a Town*, to be choſen annually and ſworn. 103

His Duty. 103

To ſue for Fines. 188

To account annually. 104
See Temporary Acts.

*Of a Propriety*. See Lands held in common.

Treſpaſſes.

Cutting or carrying off from any Place, Wood, Timber, Poles, Graſs, Grain, Trees, &c. or robbing Gardens or Orchards. 81, 231, 238, 250

To be tried before a Juſtice of the Peace, if the Damage don't exceed 40 *ſ.* 250

Done by Servants or Children to be puniſhed unleſs paid by their Maſters or Fathers. 81

Conviction of Treſpaſs not to bar a Proſecution for Theft. 239

In Actions where the Defendant juſtifies on Plea of Title. (See Plea) 81

In proſecuting if it appears there was a Breach of the Peace, the Offender to be fined. 82

Throwing open Bars, Gates, Fences, carrying away Stones, Gravel, Clay, Sand, &c. 231

Damage or hurt done to Perſons or their Eſtates by others diſguiſed. 232

Breaking the Windows of a Houſe or otherwiſe damnifying it or its Appurtenances. 188

Carrying from any Wharff or other Place Lumber or other Things without Leave of the Owner. 238

Damnifying Mills, Mill Dams, Houſes uninhabited &c. 243

Manner of Conviction. 231

Done by Cattle in common Fields for want of ſufficient Fence. See Lands held in common and Fence. 80

Treſpaſs and Ejectment. See Ejectment and Writ. 242

Troopers. See Militia.

Truſts.

In Land &c. Creation or Declaration to be in Writing. 5
See Frauds.

Truſtees of *Hopkinſton*.
See *Hopkinſton*.

Trials. Page

In civil Cauſes. (See Actions, Pleas Coſts &c. 132

Turpentine.
See Naval Stores.

V

VAGABONDS.

Who are accounted ſo. 126

To be ſet to Work. (See Houſe of Correction.) 99

Veſſels.
See Maſters of Veſſels.

Villages.
See Precinct.

Voters.
At Town Meeting. See Towns.

Uſury. See Intereſt.

W

WARDENS.

To be choſen in every Town. (See Lord's Day.) 393

Warrant,

For Aſſeſſment. (See Aſſeſſors.) 135

Of Diſtreſs &c. (See Execution. Juſtice of the Peace &c.) 128, 131

Waſte.

See Suggeſtion of Waſte, Adminiſtrators, Executors, and Strip and Waſte.

Watches Military.

Their Appointment and Regulation. 39, 40, 102, 103

Watchmen in Towns.

Their Duty, Power &c. 102, 175

Ways.

*High Ways* to be laid out or altered by the Court of Seſſions. 43

Laid out ſo as to injure thoſe who border upon them to be made good. 44, 180, 282


Sur-

Page

Surveyors to be annually chosen, their Power, Duty &c. (See Surveyors.) 43,226
Causeys, Bridges &c. not kept in sufficient Repair, and Damage occasion'd thereby to be made good. 44
*Private Ways* to be laid out by the Select-Men. 179
To be laid out by a Committee of the Court of Sessions, in Case. 179,282
Notice of private Ways being laid out to be given at *March* Meeting, to be approved by the Town. 242
May be altered or discontinued by the Town, saving Right of Appeal to the Party aggrieved. 242
Roads, High Ways, Private Ways, Streets &c. encroached upon, to be removed at the Expence of the Offender. (See Nusances.) 273
Fences &c. erected upon High Ways and maintained for thirty Years, to be the Boundary, unless. 273
Streets &c. laid out in the Town of *Boston*. See *Boston*. 388

Wears,
Obstructing the Passage of Fish. (See Fish and Nusances.) 162
Weights regulated. See Measures.
Wharves.
How a Meeting of Proprietors may be called. 279
Widow.
Not otherwise endowed before Marriage, to have one Third of the Personal Estate forever, and one Third of the Real Estate during Life. 3
Where there are no Children or legal Representatives, the Widow to have one half the Personal, and one Third of the Real Estate. (See Division of Estates.) 3
To have one Third of the Rents or Profits where the Estate cannot be divided. 125
Not to be prejudiced by Wills made before Marriage. 113
To be allowed by the Judge of Probate necessary Utensils, Bedding &c. if not provided for in that Respect by Will. 163
Having such Utensils assigned her the Executor or Administrator not to account for them tho' the Estate be insolvent. 163
To have her Dower assigned, tho' the Estate be Insolvent. 66
To have her Dower rendered within one Month after Demand. 123
Not to be debar'd of her Dower, tho' the Lands be sold, unless it be with her Consent. 73
Thirds recovered by Writ of Dower, Proceedings thereon. 125
To have Administration committed her in Case. 4
To maintain the Houses &c. in good Repair during her Term. 125

Page

To share in the Estate of a Child dying Intestate and without Wife or Issue equally with the Brothers & Sisters of such Intestate. 163

Wills,
Devising Real Estates to be in Writing and attested in the Presence of three Witnesses. 5
Act of Parliament respecting the Attestation of Wills. 359
Within what Time they shall be presented for Probate. (See Probate.) 4
Made before Marriage. (See Widow.) 113
Written not to be Repealed but by Writing. 6
Not mentioning a Child born after the Death of its Father. (See Estates.) 113
*Nuncupative*, not good unless proved by three Witnesses, if the Sum devised be more than *thirty Pounds*. 6
Not to be received for Probate 'till 14 Days after the Decease of the Testator. 6
No Testimony to be received to prove such Will after six Months, except. 6
Of Soldiers and Mariners in Service. 6

Witnesses.
Summon for Witnesses. See Summons. 232
Their Allowance and Penalty for not appearing. 132,133
How to be summoned before Arbitrators. 312
Living thirty Miles distant from the Place of Trial, or going Abroad, how to give Evidence. 64, 312
When sworn; the Adverse Party to be notified. 64
Refusing to give Evidence, Penalty. 312
Ceremony in Swearing. 133
Their Affidavits to be returned to Court sealed up. 64
Affidavit taken in *perpetuam rei memoriam*. 64
To Bonds and other Writings. 64

Wolves.
Acts to encourage their being destroyed. 35,36,58,189,215

Writs.
To be in the English Tongue. 132
To be in his Majesty's Name and signed by the Clerk of the Court whence they issue. 96,97
Shall run thro' the Province. 96
Issuing out of Superiour Court to bear Teste the chief Justice. 128
Out of Inferiour Court to bear Teste the first Justice. 128
To be endorsed by the Plaintiff or his Attorney. 181
Where more Plaintiffs than one, the Endorsement of one shall be sufficient. 251
Shall not be abated for Circumstantial Errors. 132
On mean Process shall be served 14 Days before the Court where they are returnable. 96,98

| | Page |
|---|---|
| Againſt the Sheriff or Marſhal to be directed to the Coroner and ſerved by him. | 113 |
| Sheriff or Marſhal being Plaintiff, may be directed to the Coroner, and ſerved by him. | 197 |
| Where the Sum ſued for is under *ten Pounds*, may be directed to a Conſtable. | 96 |
| Brought againſt Towns and Proprietors how to be ſerved. | 53 |
| Brought againſt Towns & Proprietors to be ſerved 30 Days before the Sitting of the Court. | 235 |
| Writ for calling the General Aſſembly, Form of it. | 78 |
| Writ of Attachment, Form of it. | 127 |
| Not to run againſt the Body of Executor or Adminiſtrator, unleſs. | 146 |
| Brought in Ejectment, only the Defendant's own Bond to be required. | 242 |
| Original Summons, Form of it. | 127 |
| May be ſerved by leaving an atteſted Copy. | 281,2 |
| Summons where Goods are attached, Form of it. | 127,128 |
| Writ of Execution, Form of it. | 128 |
| Writ of *habere facias poſſeſſionem*, Form thereof. | 129 |
| Writ of Replevin, Form of it. | 217 |
| Writ of *Scire Facias* to iſſue againſt Bail on the Avoidance of Principal. | 37 |
| Shall be made out by Clerks of Superiour and Inferiour Courts on forfeited Recognizances. | 86,87 |
| One Form of Writ of *Scire Facias*. | 129 |
| Manner of Service in ſuch Writ. | 122 |
| To iſſue on Judgment for the Forfeiture of a Penalty in order to award Execution for Damage ariſing after ſuch Judgment of Forfeiture. | 277 |
| Writ of Dower, Form of it. | 124 |
| Manner of Service. | 122 |
| On Judgment for Dower, Form of the Writ of Seiſin. | 124 |
| Writ of Partition may be brought by Coparceners, joint Tenants, or Tenants in Common. | 36 |
| Writ of *Venire Facias* to be iſſued by the Clerk of the Inferiour Court. | 96 |
| By the Clerk of the Superiour Court. | 98 |
| When they ſhall be returnable in the ſeveral Inferiour Courts. | 302 |
| Writs of Review brought by both Parties to be committed to the ſame Jury. | 216 |
| Writs may be iſſued by Juſtices in Matters triable before them | 70 |
| Forms of ſuch Writs. | 130,131 |
| Such Writs ſhall be ſerved ſeven Days before the Time of Trial. | 70 |


Y

Z

N. B. *The foregoing Table extends to Page* 396 (*including it*) *and no further.*

ACTS

# ACTS AND LAWS,

Of His Majesty's

# PROVINCE OF THE MASSACHUSETTS-BAY IN *NEW-ENGLAND.*

*BOSTON*, in NEW-ENGLAND:

Printed by S. KNEELAND, by Order of His Excellency the GOVERNOR, COUNCIL and House of REPRESENTATIVES.

M,D,CC,LIX.

Printed,

By Order of His Excellency the Governor, Council and Assembly.

*Andrew Oliver*, Secr.

*BOSTON, Febr.* 9th
1759.

# Acts and Laws,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England*: Begun and held at *Boston* the eighth of *June* 1692. and continued by Adjournment unto the twelfth Day of *October* following.

## CHAP. I.

## An Act for building with Stone or Brick in the Town of *Boston*, and preventing Fire.

Preamble.

*WHEREAS Great Desolations and Ruins have sundry Times happened by Fire breaking out in the Town of* Boston, *principally occasioned by Reason of the joining and nearness of the Buildings, being mostly of Timber, and covered with Shingle:*

For the better preventing of such Accidents for the future, and Damage and Loss thereby:

12. *W.* Ca. 3. 10. *Ann* ca 2. 16 *G.* 2. ca. 3. 25 *G.* 2. ca. 2.

**Be it ordained and enacted by the Governour, Council and Representatives, convened in General Court or Assembly, and it is enacted by the Authority of the same,** That henceforth no Dwelling-House, Shop, Ware-House, Barn, Stable, or any other Housing of more than eight Feet in Length, or Breadth, and seven Feet in Heighth, shall be erected and set up in *Boston*, but of Stone or Brick, and covered with Slate or Tile; unless in particular Cases where Necessity requires, being so judged and signified in Writing under the Hands of the Justices and Select-Men of the said Town, or major Part of both; the Governour with the Advice and Consent of the Council, shall see Cause to grant Licence unto any Person to build with Timber, or cover with Shingle: And if any Person shall presume to erect, or cause to be erected, any Frame or Building contrary hereto; upon Conviction thereof, before two Justices of Peace (*QuorumUnus*) such Building shall be deemed a common Nusance, and the Owner of such Frame or Building shall enter into a Recognizance to demolish the same; and in Default of entring into such Recognizance, shall be committed to Prison, until he do cause the same to be demolished; or else such Building shall be demolished by Order of the Quarter Sessions of the Peace within the said County, and the Charges thereof to be levied by Distress, and Sale of such Offenders Goods, by Warrant from the Court of Quarter Sessions.

Buildings in *Boston* to be of Brick or Stone, and covered with Slate.

Governour and Council to grant Licence to build with Timber in Case.

Penalty for transgressing this Act.

Justices and Select-Men to lay out Streets &c.

And it is further ordered and enacted, That in all void and unbuilt Places which shall hereafter be improved for Building, or when at any Time any total Consumption or Desolation shall happen in any Street or Lane within the said Town, it shall be in the Power of the Justices of the Peace of said Town then in being, together with the Select-Men, or the major Part of both; to state and lay out such Streets, Ways and Passages, as may be most for the Conveniency and Accommodation of the Place; as also where any Desolation has happened, to regulate and enlarge other narrow and crooked Lanes or Passages. And where any particular Persons shall have their Land taken away or lessened thereby, a Jury of twelve Men shall be appointed by two Justices of the Peace, and sworn to Ascertain the Value thereof, to be paid by the Person, to whose Land the same shall be added, or by the Neighbourhood, or Town, in Proportion to the Benefit or Conveniency any shall have thereby. And every Person building as aforesaid with Brick or Stone, shall have Liberty to set half his Partition Wall in his Neighbours Ground, so that he leave toothing in the Corners of such Walls for his Neighbour to join unto, who when he shall build, such Neighbour adjoining, shall pay for one half of the said Partition Wall, so far as it shall be built against. And in Case of any Difference arising, the Select-Men shall have Power to appoint meet Persons to value the same, or lay out the Line between such Neighbours.

A Jury to ascertain the Value of any Persons Land laid to any Street.

Party Wall to stand half in the Neighbours Ground

*And whereas several Houses and other Buildings have been erected and set up since the Year* 1688, *contrary to the Law made by the General Court of the* Massachusetts *Colony:*

It is hereby ordained and enacted by the Authority aforesaid, That every Owner of such House and Buildings so set up, contrary to said Law, shall cause the same to be covered with Slate or Tile; or otherwise such Houses or Buildings shall be deemed a common Nusance, and the Owner thereof proceeded against accordingly.

Two or three of the chief Military and Civil Officers to order the pulling down or blowing up of Houses to stop Fire.

And be it further enacted and declared by the Authority aforesaid, That when any Fire shall happen to break out either in *Boston*, or any other Town within this Province, two or three of the chief military or civil Officers of the same Town, shall, or may, and hereby are impowered to give Directions for the pulling down, or blowing up any such House or Houses that shall be by them adjudged meet to be pulled down or blown up, for the stopping and preventing the further spreading of the same: And if it shall happen that the pulling down or blowing up any such House or Houses by the Directions aforesaid, shall be the Occasion of stopping the said Fire, or that the Fire stop before it come to the same; that then all and every Owner of such House or Houses, shall receive reasonable Satisfaction, and be paid for the same, by the rest of the Inhabitants, whose Houses shall not be burnt; who are hereby impowered to make such Rate or Rates for the raising and levying such Sum and Sums of Money as shall be thought convenient by the Select-Men and Justices of said Town for that End.

For which the Owners shall be paid.

Proviso.

*Provided always*, That if the House where the Fire shall first begin and break out, shall be adjudged fit to be pulled down or blown up to hinder the further spreading and increase of the same; that then the Owner of such House shall receive no manner of Satisfaction for the same: Any thing in this Act contained notwithstanding.

## CHAP. II.

## An Act for the Settlement and Distribution of the Estates of Intestates.

Preamble.

*WHEREAS Estates in these Plantations do consist chiefly of Lands which have been subdued and brought to Improvement, by the Industry and Labour of the Proprietors, with the Assistance of their Children, the younger Children generally having been longest and most serviceable unto their Parents in that Behalf: who have not Personal Estate to give out unto them in Portions, or otherwise to Recompence their Labour:*

Be

Be it therefore enacted and ordained by the Governour, Council and Representatives convened in General Court or Assembly, and it is ordained by the Authority of the same, That every Person lawfully seized of any Lands, Tenements, or Hereditaments within this Province, in his own proper Right in Fee Simple, shall have Power to give, dispose, and devise, as well by his last Will and Testament in Writing, as otherwise by any Act executed in his Life, all such Lands, Tenements and Hereditaments to and among his Children or others, as he shall think fit at his Pleasure: And if no such Disposition, Gift or Devise be made by the Owner of any such Lands, Tenements and Hereditaments; the same shall be subject to a Division, with his Personal Estate, and be a like distributed, according to the Rules herein after expressed for intestate Estates. And when and so often as it shall happen, That any Person dies Intestate, Administration of such Intestates Goods and Estate shall be granted unto the Widow or next of Kin to the Intestate, or both, as the Judge for Probate of Wills, and granting of Administrations shall think fit, who shall thereupon take Bond with Sureties in manner as is directed by the Statute of the twenty second and twenty third of *Charles* the Second; and shall and may proceed to call such Administrators to Account for, and touching the Goods of the Intestate: And upon due Hearing and Consideration thereof, (Debts, Funeral and just Expences of all Sorts being first allowed) the said Judge shall, and hereby is fully impowered to order and make a just Distribution of the Surplusage, or remaining Goods and Estate, as well Real as Personal, in Manner following: *That is to say*, One third Part of the Personal Estate to the Wife of the Intestate for ever, besides her Dower or Thirds in the Houses and Lands during Life, where such Wife shall not be otherwise endowed before Marriage; and all the Residue of the Real and Personal Estate by equal Portions to and among his Children, and such as shall legally represent them; (if any of them be dead) other than such Children, who shall have any Estate by Settlement of the Intestate in his Life-time equal to the others Shares. Children advanced by Settlement, or Portions not equal to the others Shares, to have so much of the Surplusage as shall make the Estate of all to be equal, except the eldest Son then surviving, (where there is no Issue of the First-born or of any other elder Son) who shall have two Shares, or a double Portion of the whole; and where there are no Sons, the Daughters shall inherit as Coperceners. The Division of the Houses and Lands to be made by five sufficient Freeholders upon Oath, or any three of them, to be appointed and sworn by the Judge for that End: Unless where all the Parties interested in any Estate being legally capable to act, shall mutually agree of a Division among themselves, and present the same in Writing under their Hands and Seals: In which Case, such Agreement shall be accepted and allowed for a Settlement of such Estate, and be accounted valid in Law, being acknowledged by the Parties subscribing before the Judge, and put upon Record.

7&8 *G* 2. ca. 1. 23 *G* 2. ca. 6.

Persons seized of Lands in Fee simple may dispose of the same by Will, &c.

Administration to the Estate of Intestates how to be granted.

*Ca.* 10

Distribution of Intestate Estates.

8 *G.* 2. ca. 1. Dower. 13 *Wm.* ca. 9. 9 *Anne* ca. 2.

6 *Geo.* ca. 3.

*Provided nevertheless*, That where any Estate in Houses and Lands cannot be divided among all the Children, without great Prejudice to, or spoiling of the whole; being so represented, and made to appear unto the said Judge, the Judge may order the whole unto the eldest Son, if he accept it, or to any other of the Sons successively, upon his refusal: He paying unto the other Children of the Deceased, their equal and proportionable Parts or Shares of the true Value of such Houses and Lands; upon a just Appraisement thereof, to be made by three sufficient Freeholders upon Oath, to be appointed and sworn as aforesaid, or giving good Security to pay the same in some convenient Time, as the said Judge shall limit, making reasonable Allowance in the Interim, not exceeding *six per Cent per Annum*. And if any of the Children happen to die, before he or she come of Age, or be married; the Portion of such Child deceased, shall be equally divided among the Survivors.

4 *Geo.* 2*d*, ca. 3.

Houses and Lands not capable of Division, to be ordered unto the eldest Son, he paying out proportionable Parts to the other Children.

6 *Geo.* ca. 3.

And in Case there be no Children, nor any legal Representatives of them, then one Moiety of the Personal Estate, shall be allotted to the Wife of the Intestate for ever; and one Third of the Real Estate for Term of Life. The Residue both of the Real and Personal Estate, equally to every of the next of Kin of the Intestate in equal Degree, and those who legally represent them. No Representatives to be admitted among Collaterals after Brothers and Sisters Children.

In Case there be no Children nor legal Representative of them, the Estate to be allotted to the Wife and next of Kin.

And

9 *Anne* ca. 2. And if there be no Wife, all shall be distributed among the Children, and if no Child, to the next of Kin to the Intestate in equal Degree, and their legal Representatives as aforesaid, and in no other Manner whatsoever. And every one to whom any Share shall be allotted, shall give Bond with Sureties before the said Judge of Probate, if Debts afterwards be made to appear, to refund and pay back to the Administrator, his or her rateable Part thereof, and of the Administrators Charges. The Widows Thirds or Dower in the Real Estate, at the Expiration of her Term, to be alike divided as aforesaid, saving to any Person aggrieved at any Order, Sentence or Decree made for the Settlement and Distribution of any Intestate Estate, their Right of Appeal unto the Governour and Council, every Person so appealing, giving Security to prosecute the Appeal with Effect.

Right of Appeal saved. See Explanatory Act 4 *W. & M* ca. 20

Executors to cause Probate of Wills to be made in thirty Days next after the Testator's Death.

Penalty for Neglect.

Upon refusal, Administration to be committed *Cum Testamento annexo*.

Executors by wrong.

**Be it further enacted by the Authority aforesaid,** That if any Executor or Executors of the Will of any Person deceased, knowing of their being so named and appointed, shall not within the space of thirty Days next after the Decease of the Testator, cause such Will to be Proved and Recorded in the Register's Office of the same County where the deceased Person last dwelt; or present the said Will, and declare his or their refusal of the Executorship: every Executor so neglecting of his or her Trust and Duty in that Behalf, (without just Excuse made and accepted for such Delay) shall forfeit the Sum of *Five Pounds* per Month, from and after the Expiration of the said thirty Days, until he or they shall cause Probate of such Will to be made, or present the same as aforesaid: Every such Forfeiture to be had and recovered by Action or Information, in the Inferiour Court of Pleas, in the same County; and to be disposed of, one Moeity thereof to the Use of the Poor of the Town, where the deceased Person last dwelt; and the other Moiety to him or them that shall inform and sue for the same. And upon any such refusal of the Executor, or Executors, the Judge shall commit Administration of the Estate of the Deceased, *Cum Testamento annexo*, unto the Widow or next of Kin to the Deceased, and upon their Refusal, to one or more of the principal Creditors, as he shall think fit.

And if any Person or Persons shall alienate or embezel any of the Goods or Chattels of any Person deceased, before he or they have taken out Letters of Administration, and exhibited a true Inventory of all the known Estate of the Party deceased; every Person or Persons so acting, shall stand chargeable, and be liable to the Actions of the Creditors and other Persons grieved, as being Executors in their own wrong. And the Judge shall cause a Citation to be made out unto the Widow, or next of Kin; and upon their neglect of Appearance or Refusal, may commit Administration of any such Estate, to some one or more of the chief Creditors, if accepted by them, or others, as he shall think fit, upon their Refusal.

## CHAP. III.

## An Act for Prevention of Frauds and Perjuries.

Act of Parliament, 29 *Car.* 2. c 3. 4 *W. & M.* ca. 6. 8 *W.* ca 3. 31 *G.* 2. ca 6

*FOR Prevention of many fraudulent Practices which are commonly endeavoured to be upheld by Perjury, and Subornation of Perjury:*

**Be it enacted and ordained by the Governour, Council and Representatives, convened in General Court, and by the Authority of the same,** That from and after the last Day of *December* in this present Year one Thousand six Hundred ninety and two: All Leases, Estates, Interests of Freehold, or Term of Years, or any uncertain Interest of, in, or out of any Messuages, Lands, Tenements, or Hereditaments, made or created by Livery and Seisin only, or by Parole, and not put in Writing and signed by the Parties, so making or creating of the same, or their Agents thereunto lawfully authorized by Writing, shall have the Force and Effect of Leases, or Estates at Will only, and shall not either in Law or Equity be deemed or taken to have any other or greater Force or Effect; any Consideration for making any such Parole Leases or Estates, or any former Law or Usage to the contrary notwithstanding.

Parole Leases and Interest of Freehold shall have the Force of Estates at Will only.

Except Leases not exceeding three Years &c.

Except nevertheless, All Leases not exceeding the Term of three Years from the making thereof, whereupon the Rent reserved to the Landlord, during such Term, shall amount unto two third Parts at the least of the full improved Value of the Thing demised.

And

No Leases or Estates of Freehold to be granted or surrendred by Word.

And moreover, That no Leases, Estates or Interests, either of Freehold, or Term of Years, or any uncertain Interest of, in, to or out of any Messuages, Lands, Tenements or Hereditaments, shall at any time after the said last Day of *December*, be assigned, granted or surrendred, unless it be by Deed or Note in Writing, signed by the Party so assigning, granting or surrendering the same, or their Agents thereunto lawfully authorized by Writing, or by Act and Operation of Law.

Promises and Agreement by Parole.

And be it further enacted by the Authority aforesaid, That from and after the said last Day of *December*, no Action shall be brought whereby to charge any Executor or Administrator upon any special Promise to answer Damages out of his own Estate, (2) or whereby to charge the Defendant upon any special Promise to answer for the Debt, Default or Miscarriages of another Person, (3) or to charge any Person upon any Agreement made upon Consideration of Marriage, (4) or upon any Contract or Sale of Lands, Tenements or Hereditaments, or any Interest in, or concerning them; (5) or upon any Agreement that is not to be performed within the Space of one Year from the making thereof; (6) unless the Agreement upon which such Action shall be brought, or some Memorandum or Note thereof shall be in Writing, and signed by the Party to be charged therewith, or some other Person thereunto by him lawfully authorized.

Devises of Lands to be in Writing & attested by three or four Witnesses.

And be it further enacted by the Authority aforesaid, That from and after the said last Day of *December*, all Devises and Bequests of any Lands or Tenements, shall be in Writing, and signed by the Party so devising the same, or by some other Person in his Presence, and by his express Direction, and shall be attested and subscribed in the Presence of the said Devisor, by three or four credible Witnesses, or else shall be utterly void and of none Effect.

How the same shall be revocable.

And moreover, No Devise in Writing of Lands, Tenements or Hereditaments, or any Clause thereof, shall at any time after the said last Day of *December*, be revocable, otherwise than by some other Will or Codicil in Writing, or other Writing declaring the same, or by burning, cancelling, tearing, or obliterating the same by the Testator himself, or in his Presence, and by his Direction and Consent; (2) But all Devises and Bequests of Lands and Tenements shall remain and continue in full Force, until the same be burnt, cancelled, torn or obliterated by the Testator, or his Direction in manner aforesaid, or unless the same be altered by some other Will or Codicil in Writing, or other Writing of the Devisor, signed in the Presence of three or four Witnesses, declaring the same: Any former Law or Usage to the contrary notwithstanding.

All Declarations or Creations of Trust to be in Writing.

And be it further enacted by the Authority aforesaid, That from and after the said last Day of *December*, all Declarations or Creations of Trusts, or Confidences of any Lands, Tenements or Hereditaments, shall be manifested and proved by some Writing signed by the Party who is by Law enabled to declare such Trust, or by his last Will in Writing, or else they shall be utterly void and of none Effect.

Trusts arising, transferred or extinguished by implication of Law excepted.

*Provided alway*, That where any Conveyance shall be made of any Lands or Tenements, by which a Trust or Confidence shall or may arise or result by the Implication or Construction of Law, or be transferred or extinguished by an Act or Operation of Law, then, and in every such Case, such Trust or Confidence shall be of the like Force and Effect as the same would have been if this Act had not been made: Any thing herein before contained to the contrary notwithstanding.

Assignments of Trust shall be in Writing.

And be it further enacted, That all Grants and Assignments of any Trust or Confidence, shall likewise be in Writing, signed by the Party, granting or assigning the same by such last Will or Devise, or else shall be utterly void and of none Effect.

Contract for Sale of Goods for ten Pounds or more.

And be it further enacted by the Authority aforesaid, That from and after the said last Day of *December*, No Contract for the Sale of any Goods, Wares and Merchandizes, for the Price of *Ten Pounds*, or upwards, shall be allowed to be good, except the Buyer shall accept Part of the Goods so sold, and actually receive the same, or give something in Earnest to bind the Bargain, or in Part of Payment, or that some Note or Memorandum in Writing of the said Bargain, be made

made and signed by the Parties to be charged by such Contract, or their Agents thereunto lawfully authorized.

*And for Prevention of fraudulent Practices in setting up nuncupative Wills, which have been the Occasion of much Perjury:*

Nuncupative Will not to be good for above the value of thirty Pounds, that is not proved by the Oths of three Witnesses.

**Be it enacted by the Authority aforesaid,** That from and after the aforesaid last Day of *December*, no nuncupative Will shall be good, where the Estate thereby bequeathed, shall exceed the Value of *Thirty Pounds*, that is not proved by the Oaths of three Witnesses, (at the least) that were present at the making thereof, nor unless it be proved that the Testator at the time of pronouncing the same, did bid the Persons present, or some of them bear Witness that such was his Will, or to that Effect; nor unless such nuncupative Will were made in the time of the last Sickness of the Deceased, and in the House of his or their Habitation or Dwelling, or where he or she hath been Resident, for the Space of ten Days or more, next before the making of such Will, except where such Person was surprized or taken sick being from his own Home, and died before he returned to the Place of his or her Dwelling.

No Testimony to be received to prove such Will after six Months, except, &c.

**And be it further enacted,** That after six Months passed after the speaking of the pretended testamentary Words, no Testimony shall be received to prove any Will nuncupative, except the said Testimony, or the Substance thereof were committed to Writing within six Days after the making of the said Will.

Probate of Nuncupative Wills.

**And be it further enacted,** That no Letters Testamentary, or Probate of any nuncupative Will, shall pass the Seal of any Court, till fourteen Days at the least after the Decease of the Testator be fully expired, nor shall any nuncupative Will be at any time received to be proved, unless Process have first issued to call in the Widow, or next of Kindred to the Deceased, to the End they may contest the same, if they please.

No written Will to be repealed but by Writing, except &c.

**And be it further enacted,** That no Will in Writing, concerning any Goods or Chattels or Personal Estate, shall be repealed; nor shall any Clause Devise or Bequest therein, be altered or changed by any Words, or Will by Word of Mouth only, except the same be in the Life of the Testator, committed to Writing, and read to the Testator and allowed by him, and proved to be so done by three Witnesses at the least.

Soldiers and Mariners Wills excepted

*Provided always*, That notwithstanding this Act, any Soldier being in actual Military Service, or any Mariner or Seamen being at Sea, may dispose of his Moveables, Wages, and Personal Estate, as he or they might have done before the making of this Act.

## CHAP. IV.

## An Act for affirming of former Judgments, and providing for Executions.

Preamble.

*WHEREAS upon Trials had in the late Courts of Judicature within the several Colonies, now by their Majesties Royal Charter united and Incorporated into one Province, by the Name of the Province of the* Massachusetts-Bay; *several Judgments were obtained, of which Execution remains to be done, and some others are depending by Appeal, according to the Course and Practice of the Courts then in being:*

To the End that there be no Failure of Justice for want of a due Course of Law, for the prosecuting, obtaining and levying of the same:

**Be it enacted and ordained by the Governour, Council and Representatives, convened in General Court or Assembly, and by the Authority of the same,** That where any Appeal as aforesaid is depending, having not been heard; every such Appellant shall have a Summons from the Clerk of the Superiour Court, unto the adverse Party, to be served upon him seven Days inclusive before the Court's Sitting, requiring him to appear at the first Superiour Court, to answer the said Appeal; where the same shall be heard and tried according to former Usage upon the first Evidence and no other: And the Judgment to be

be affirmed or reverſed as the Caſe ſhall there be judged upon Trial. And if the Appellant neglect to appear, or proſecute his Appeal, the former Judgment ſhall be affirmed, and Execution awarded accordingly.

**And it is further enacted by the Authority aforeſaid,** That where Judgment has paſſed in any County Court, or Court of Commiſſioners, and Execution has not been taken out and levied for ſatisfying of the ſame; the Party for whom any Judgment was ſo given, his Executors or Adminiſtrators ſhall have a Writ of *Scire Facias* from the Clerk of the Inferiour Court of Pleas within the ſame County in which ſuch Judgment was obtained, unto the adverſe Party to appear before the ſaid Court, to ſhew Cauſe (if any there be) why Execution ſhould not iſſue forth. And in Caſe of Non-appearance, or that ſufficient Cauſe be not ſhewn to the Court, the former Judgment ſhall be affirmed, and Execution granted accordingly; the Coſt of this Trial to be added unto the ſame; *Provided*, that the ſaid Writ of *Scire Facias* be ſerved ſeven Days inclusive before the Court's Sitting.

No Execution after one Year expired, to be granted without a *Scire facias*.

**And be it further enacted by the Authority aforeſaid,** That after one Year expired next after giving Judgment in any Court of Record within this Province, no Execution for ſuch Judgment ſhall be iſſued out, until a Writ of *Scire Facias* hath been granted out of the ſame Court, and ſerved upon the adverſe Party, as is before directed, or left by the Sheriff, his Under-Sheriff or Deputy, at his Dwelling, or Place of uſual and laſt Abode, requiring him to appear and ſhew Cauſe (if any he have) why Execution ought not to be done. And upon his Non-appearance, or not ſhewing of ſufficient Cauſe as aforeſaid, the Court ſhall thereupon award Execution.

## CHAP. V.

## An Act for Regulating the Aſſize of Caſk, and preventing Deceit, in packing of Fiſh, Beef, and Pork for Sale.

Aſſize of Caſks.

**BE it ordained and enacted by the Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,** That from and after the firſt Day of *December* next, all Sorts and Kinds of tight Caſk uſed for any Liquor, Fiſh, Beef, Pork, or any other Commodities, within this their Majeſties Province, ſhall be of *London* Aſſize. *That is to ſay*, Butts to contain one Hundred and twenty ſix Gallons; Puncheons, eighty four Gallons; Hogſheads, ſixty three Gallons; Tearſes, forty two Gallons; Barrels, thirty one Gallons and an half: And made of ſound well ſeaſoned Timber, and free of Sap. And that fit Perſons be appointed from time to time, in all Places needful, to view and gage all ſuch Caſk; and ſuch as ſhall be found of due Aſſize ſhall be marked with the Gagers Mark; who ſhall have for his Pains, *four Pence per* Ton: And every Cooper ſhall ſet his diſtinct Brand Mark on his own Caſk; on Penalty of *forty Shillings*. And whoſoever ſhall put to Sale any new Caſk, being defective either in Workmanſhip, Timber, or Aſſize, as aforeſaid; upon Proof thereof made before one Juſtice of the Peace, he ſhall forfeit ſuch Caſk, and be fined the Sum of *ten Shillings*.

Gagers to be appointed. Caſk to be mark'd by the Gager; His Fee. Every Cooper to have a diſtinct brand Mark. Defective Caſk to be forfeited.

**And be it further enacted by the Authority aforeſaid,** That the Juſtices of the Peace, at their firſt General Quarter Seſſions, to be holden in each reſpective County within this Province, ſhall yearly, in every Town needful thereof, chooſe and appoint a fit Perſon or Perſons, to be Gagers and Packers, and them to ſwear to the due Execution of their Office: which if any Perſon ſo appointed, ſhall refuſe, he ſhall pay the Sum of *forty Shillings*; and another ſhall be choſen and appointed in his Stead. And every Gager and Packer ſhall take Care that all Caſk in which he packs Beef, Pork, Mackarel, Fiſh, or other Goods committed to his Care, be of true and full Aſſize, and that he pack the ſame in no other Caſk whatſoever; on Penalty of *ten Shillings* for every Caſk by him packed, that is or ſhall be defective in that Reſpect. And if any of the before mentioned Proviſions ſhall be packed into half Barrels, or Firkins, the ſame ſhall be made in Proportion to the Aſſize aforeſaid; and be marked by the Packer.

Quarter Seſſions to appoint Gagers and Packers, and ſwear them.

Penalty of Refuſal.

Ten Shillings Penalty for packing in any Caſk under Aſſize.

*And for the preventing of Fraud and Deceit in the packing of pickled Fiſh, Beef and Pork to be put to Sale:*

The whole half and quarter of Meat to be put up; and not the beſt left out. Fiſh to be all of one Kind.

*Four Shillings* per Ton for packing and ſealing.

**Be it further enacted by the Authority aforeſaid,** That in every Town, where ſuch Goods are pack'd up for Sale, the Gager or Packer of ſuch Town or of the Town wherein they are put to Sale, or ſhipped, ſhall ſee that it be well and orderly performed: *That is to ſay*, Beef and Pork the whole Half and Quarter, and ſo proportionably, that the beſt be not left out; and ſo Fiſh and Mackarel, that they be packed all of one Kind; and that all Caſks ſo packed be full, and the Fiſh ſound and well ſeaſoned, ſetting his Seal on all Caſks ſo packed, and he ſhall receive of the Owners for ſo packing, and ſealing, *four Shillings* per Ton. And if any ſuch Proviſions be put to Sale, or ſhipped off without the Packer's Mark, they ſhall be forfeited.

Fiſh and Fleſh for Tranſportation to be ſearched and repacked by the Packer.

**And it is further enacted,** That all Sorts of green or pickled Fiſh, Sturgeon, or Fleſh that ſhall be put up for Tranſportation to a foreign Market, ſhall be ſearched, ſurveyed and approved by a ſworn Packer, who ſhall take ſtrict Care that the ſame be put up in tight Caſk of full Gage, ſalted with ſuitable Salt. And ſuch as ſhall be ſo ſaved, and for its Condition found merchantable, and full, the Packer ſhall ſeal with ſuch Brand Mark, as ſhall be aſſigned to the Town, and ſuch other Cut-mark added, as may denote the ſort of Proviſion, and time when packed. And all ſuch other Proviſion as the Packer ſhall find wholſome and uſeful, though for its Quality it be not merchantable; he ſhall cauſe to be well packed, ſalted, filled, and ſealed with the Letter R. and ſuch other Letters as may ſignify the Town, Specie, and time of packing.

Penalty on Maſters and Mariners taking any Proviſions aboard unſealed.

And if any Maſter of a Ship, or other Veſſel, or any Officers, or Mariners belonging thereto, ſhall receive ſuch Proviſions not marked and ſealed as aforeſaid, aboard any of their Ships or Veſſels, he or they who ſhall offend therein, ſhall forfeit double the Value of all ſuch Proviſions; and he that owns the Proviſions ſhall forfeit the ſame.

Penalty for ſhifting of Proviſions after ſealed.

And if any Cooper, or other Perſon ſhall ſhift any Fiſh or Fleſh, either on Board, or on Shore, after the ſame hath been ſo ſealed and marked by the Packer, and ſhip and export the ſame, the Packer having not allowed thereof, and a new ſealed and marked the Caſk whereinto ſuch Proviſions are ſhifted: All Perſons acting, ordering or aſſiſting therein, ſhall be ſet in the Pillory, not exceeding one Hour, and ſhall likewiſe pay double Damages to Perſons wronged thereby.

Proviſions that have laid three Months pack'd in the Summer, to be reviewed.

**And it is further enacted by the Authority aforeſaid,** That where any ſuch Proviſions have lain above three Months under the Packer's Mark, betwixt the Months of *May* and *October*, they ſhall again, upon Exportation or Sale, be viewed or ſearched by the Packer, *That is to ſay*, ſo many of them as may probably diſcover the Condition of the whole; and if any be decayed or deceitfully dealt with, the Packer ſhall cull and repack the ſame, ſo as to diſtinguiſh and mark them for Merchantable, or Refuſe, according to their Condition. And if thoſe who ſhip or export any ſuch Proviſion, ſhall neglect or refuſe ſuch ſecond Search or Survey, the Packer is hereby ordered and impowered to deface his former Mark, and for ſo doing, ſhall be paid as if he had repack'd the ſame. And if the Owner refuſe to ſatisfy the Packer, ſuch Packer ſhall have Redreſs on Complaint to any Juſtice of the Peace; who is hereby impowered to compel the Payment thereof by Diſtreſs.

Aſſize of Caſk for Tarr.

4 *A.* ca 1.

7 *A.* ca. 3.

**And it is further enacted by the Authority aforeſaid,** That all Tarr that ſhall be expoſed to Sale within this Province, ſhall be in Barrels, half Barrels, and thirds of a Barrel, of the Meaſure and Aſſize following: *That is to ſay*, The Barrel to contain thirty Gallons, the half Barrel and third of a Barrel, of the ſame Gage proportionably, and in no other Caſk whatſoever. And all Caſk to be made of the ſame Aſſize, and branded by the Cooper as aforeſaid; on pain of Forfeiture of all ſuch Caſk as are not of due Aſſize. And if any Tarr ſhall be expoſed to Sale in any Caſk not branded as aforeſaid, the ſame ſhall be likewiſe forfeited.

One Half the Fines and Forfeitures to be to their Majeſties, and the other half to the Informer

**And further it is enacted by the Authority aforeſaid,** That all Fines, Penalties and Forfeitures ariſing by Force and Virtue of this Act, ſhall be the one half to their Majeſties, towards the Support of the Government of this Province,

and

and the other half to him or them that shall inform and sue for the same in any of their Majesties Courts of Record within this Province.

Be it further enacted by the Authority aforesaid, That there be a Measurer of Salt and Culler of Fish in every Sea-Port Town within this Province to be appointed as aforesaid, who being likewise Sworn for the faithful Discharge of that Office, shall cull all merchantable Fish, and measure all Salt that shall be imported and sold out of any Ship or other Vessel, and shall have *three half Pence* for every Hogshead of Salt by him so measured, to be paid, the one half by the Buyer, the other half by the Seller. And *one Penny* per Quintal for every Quintal of merchantable Fish by him culled, to be paid, one half by the Buyer, the other half by the Seller. Measurer of Salt, & Culler of Fish. 4 *G.* ca. 5.

## CHAP. VI.

## An Act for the punishing of Criminal Offenders.

BE it enacted and ordained by the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That if any Person or Persons shall prophanely Swear or Curse in the hearing of any Justice of the Peace, or shall be thereof convicted by the Oaths of two Witnesses, or Confession of the Party, before any Justice or Justices of the Peace: Every such Offender shall forfeit and pay unto the Use of the Poor of the Town, where the Offence shall be committed, the Sum of *five Shillings*. And if the Offender be not able to pay the said Sum, then to be set in the Stocks, not exceeding two Hours. And if any Person shall utter more profane Oaths or Curses at the same time, and in hearing of the same Person or Persons, he shall forfeit and pay to the Use aforesaid, the Sum of *twelve Pence* for every Oath or Curse after the first; or be set in the Stocks three Hours. Cursing and Swearing. 7&8 *G.* 2. ca. 2. 5 *W.* & *M.* ca. 4. Presumption.

*Provided*, That every Offence against this Law shall be complained of and proved as aforesaid, within thirty Days next after the Offence committed.

Further it is enacted by the Authority aforesaid, That every Person convicted of Drunkenness by view of any Justice of Peace; Confession of the Party, or Oaths of two Witnesses; such Person so convicted, shall forfeit and pay unto the Use of the Poor of the Town where such Offence is committed, the Sum of *five Shillings* for every such Offence: And if the Offender be unable to pay the said Sum, to be set in the Stocks, not exceeding three Hours; at the Discretion of the Justice or Justices, before whom the Conviction shall be. And upon a second Conviction of Drunkenness, every such Offender, over and above the Penalty aforesaid, shall be bound with two Sureties in the Sum of *ten Pounds*, with Condition for the good Behaviour: And for want of such Sureties, shall be sent to the common Goal, until he find the same. Drunkenness. 7 *Wm.* ca. 2. and 10. 11 *Anne* ca. 1.

*Provided*, That no Person shall be impeached or molested for any Offence against this Act, unless he shall be thereof presented, indicted or convicted within six Months after the Offence committed. And the Justice or Justices before whom Conviction of any of the aforesaid Offences shall be, are hereby impowered and authorized to restrain or commit the Offender, until the Fine imposed for such Offence, be satisfied; or to cause the same to be levied by Distress, and Sale of the Offenders Goods, by Warrant directed to the Constable; returning the Overplus (if any be.) All such Fines to be levied within one Week next after such Conviction, and delivered to the Select-Men, or Overseers of the Poor, for the Use of the Poor as aforesaid. Proviso.

It is further enacted and ordained by the Authority aforesaid, That whosoever shall Steal or Purloin any Money, Goods or Chattels, being thereof convicted, by Confession, or sufficient Witness upon Oath: Every such Offender, shall forfeit treble the Value of the Money, Goods or Chattels so stolen or purloined, unto the Owner or Owners thereof; and be further punished, by Fine or Whipping; at the Discretion of the Court or Justices that have Cognizance Theft. 3 *Geo.* ca. 3.

of such Offence; not exceeding the Sum of *five Pounds*, or twenty Stripes. And if any such Offender be unable to make Restitution, or pay such threefold Damages, such Offender shall be enjoined to make Satisfaction by Service: and the Prosecutor shall be, and hereby is impowered to dispose of the said Offender in Service to any of their Majesties Subjects, for such Term as shall be assigned by the Court or Justices before whom the Prosecution was. And every Justice of Peace in the County where such Offence is committed, or where the Thief shall be apprehended, is hereby authorized to hear and determine all Offences against this Law. *Provided*, That the Damage exceed not the Sum of *forty Shillings*.

Burglary and Robbery.

1 Geo. ca. 1.

And if any Person shall commit Burglary, by breaking up any Dwelling-House, Ware-House, Shop, Mill, Malt-House, Barn, Out-House, or any Ship or other Vessel lying within the Body of the County; or shall rob any Person in the Field or Highways; every Person so offending, shall upon Conviction be branded on the Forehead with the Letter B. And upon a second Conviction, shall be set upon the Gallows for the Space of one Hour, with a Rope about his Neck, and one End thereof cast over the Gallows; and be severely whipt, not exceeding thirty nine Stripes: And upon a third Conviction of the like Offence, shall suffer the Pains of Death, as being incorrigible; and shall likewise upon the first and second Convictions, pay treble Damages to the Party injured, as is provided in Case of Theft.

Fornication.

Reputed Father of a Bastard.

**And it is further enacted by the Authority aforesaid**, That if any Man commit Fornication with any single Woman, upon due Conviction thereof, they shall be fined unto their Majesties, not exceeding the Sum of *Five Pounds*, or be corporally punished by Whipping, not exceeding ten Stripes a Piece, at the Discretion of the Sessions of the Peace, who shall have Cognizance of the Offence. And he that is accused by any Woman, to be the Father of a Bastard Child begotten of her Body; she continuing constant in such Accusation, being examined upon Oath, and put upon the Discovery of the Truth in the Time of her Travail; shall be adjudged the reputed Father of such Child, notwithstanding his Denial; and stand charged with the Maintenance thereof, with the Assistance of the Mother; as the Justices in the Quarter Sessions shall order; and give Security to perform the said Order, and to save the Town or Place where such Child is born, free from Charge for its Maintenance; and may be committed to Prison, until he find Sureties for the same: unless the Pleas and Proofs made and produced on the Behalf of the Man accused, and other Circumstances be such as the Justices shall see Reason to judge him innocent, and acquit him thereof, and otherwise dispose of the Child. And every Justice of the Peace upon his Discretion, may bind to the next Quarter Sessions, him that is charged or suspected, to have begotten a Bastard Child: And if the Woman be not then delivered, the Sessions may order the Continuance or Renewal of his Bond, that he may be forth-coming when the Child is born.

Power of the Justice of Peace.

Breach of the Peace.

Forceable Entry & Detainer.

**Further it is enacted by the Authority aforesaid**, That every Justice of the Peace in the County where the Offence is committed, may cause to be staid and arrested all Affrayers, Rioters, Disturbers or Breakers of the Peace, and such as shall ride, or go armed offensively before any of their Majesties Justices, or other their Officers or Ministers doing their Office, or elsewhere, by Night or by Day, in Fear or Affray of their Majesties Leige People; and such others as shall utter any Menaces or threatning Speeches: And upon View of such Justice or Justices, Confession of the Party, or other legal Conviction of any such Offence, shall commit the Offender to Prison, until he find Sureties for the Peace and good Behaviour; and seize and take away his Armour or Weapons, and shall cause them to be apprized and answered to the King as forfeited: And may further punish the Breach of the Peace in any Person that shall smite or strike another, by Fine to the King, not exceeding *twenty Shillings*; and require Bond with Sureties for the Peace; or bind the Offender over to answer it at the next Sessions of the Peace, as the Nature or Circumstance of the Offence may be; and may make Enquiry of forcible Entry and Detainer, and cause the same to

be

be removed; and make out Hue and Cries after Runaway Servants, Thieves and other Criminals. 12. & 13 *W.* ca. 1.

And it is further enacted by the Authority aforesaid, That if any Person or Persons of the Age of Discretion (which is accounted fourteen Years, or upwards,) shall wittingly and willingly make or publish any Lie or Libel, tending to the Defamation or Damage of any particular Person; make or spread any false News or Reports, with Intent to abuse and deceive others: Every such Person or Persons offending in any of the Particulars before mentioned, and being duly convicted thereof, before one or more Justices of the Peace, shall be fined according to the Degree of such Offence; not exceeding the Sum of *twenty Shillings* for the first Conviction, and find Sureties for the good Behaviour. And if the Party be unable to pay the said Fine, then to be set in the Stocks, not exceeding three Hours; or be corporally punished by Whipping, at the Discretion of the Justice or Justices, before whom the Conviction shall be; according as the Circumstances or Nature of the Offence shall be. And the said Justice or Justices may restrain and commit the Offender, until he pay the said Fine, and find Sureties for the good Behaviour; or may cause the Fine to be levied by Distress and Sale of the Offenders Goods. And the Party or Parties grieved or injured by Reason of any of the Offences aforesaid; shall or may take his or their Suit against any such Offender or Offenders in any Court of Record. Lying and Libelling.

It is further enacted by the Authority aforesaid, That if any Person or Persons upon his or their own Head or Imagination, or by false Conspiracy and Fraud with others shall wittingly, subtilly and falsely forge or make; or subtilly cause, or wittingly assent to be forged or made any false Deed, Conveyance or Writing sealed, or the Will of any Person or Persons in Writing, to the Intent that the State of Freehold or Inheritance, Right, Title or Interest of any Person or Persons of, in, or to any Lands, Tenements or Hereditaments, shall or may be molested, troubled, defeated, recovered or charged; or shall as is aforesaid, forge, make, or cause, or assent to be made, or forged, any Obligation, or Bill Obligatory, Letter of Attorney, or any Acquittance, Release, or other Discharge of any Debt, Accompt, Action, Suit, Demand, or other Thing personal; Or if any Person or Persons shall pronounce, publish, or shew forth in Evidence, any such false and forged Deed, Conveyance, Writing, Obligation, Bill Obligatory, Letter of Attorney, Acquittance, Release or Discharge, as true, knowing the same to be false and forged, as is aforesaid, to the intent above remembred; and shall be thereof convicted, either upon Action or Actions of Forger of false Deeds, to be founded upon this Act at the Suit of the Party grieved, or otherwise according to the Order and due course of Law, or upon Bill or Information. That then every such Offender shall pay unto the Party grieved his double Costs and Damages, to be found and assessed in such Court where the said Conviction shall be; and also shall be set upon the Pillory in some Market Town, or other open Place, and there to have one of his Ears cut off; and also shall have and suffer Imprisonment by the Space of one whole Year, without Bail or Mainprize. And the Party or Parties grieved by Reason of any of the Offences aforesaid, may take his or their Suit against any such Offender or Offenders, in any Court of Record; where no Essoign, Injunction or Protection shall be allowed the Party Defendant. Forgery. 5 *Eliz.* Act of Parliament.

Provided always, and it is enacted by the Authority aforesaid, That this Act or any Thing therein contained, shall not extend to charge any Judge of Probate, or Register, with any the Offences aforesaid, for putting their Seal of Office to any Will to be exhibited unto them, not knowing the same to be false or forged, for writing of the said Will or Probate of the same; Nor to any other Person or Persons that shall shew forth or give in Evidence any false or forged Writing for true or good, being not Party or privy to the forging of the same, nor knowing the same to be false or forged; any Thing in this Act to the contrary notwithstanding.

And it is further enacted and ordained by the Authority aforesaid, If any Person or Persons, either by the Subornation, unlawful Procurement, Reward, Misinister Perswasion, or Means of any other; or by their own Act, Consent or Agreement, Wilful Perjury.

Agreement, ſhall wilfully and corruptly commit any Manner of wilful Perjury, by his or their Depoſition in any Court of Record, or being examined *Ad perpetuam rei memoriam*, That then every Perſon and Perſons ſo offending, and being thereof duly convict, or attainted by Law, ſhall for his or their Offence, loſe and forfeit *twenty Pounds*; the one Moiety thereof unto their Majeſties, and the other Moiety to ſuch Perſon or Perſons as ſhall be grieved, hindred or moleſted by Reaſon of any ſuch Offence, that ſhall ſue for the ſame by Action of Debt, Bill, Plaint, Information, or otherwiſe in any Court of Record; in the which no Wager of Law, Eſſoign, Protection, or Injunction to be allowed: And alſo to have Impriſonment by the Space of ſix Months, without Bail or Mainprize. And the Oath of ſuch Perſon or Perſons ſo offending, not to be received in any Court of Record, until ſuch time as the Judgment given againſt the ſaid Perſon or Perſons, ſhall be reverſed by Attaint or otherwiſe; and upon every ſuch Reverſal, the Parties aggrieved to recover his or their Damages againſt all and every ſuch Perſon and Perſons, as did procure the ſaid Judgment ſo reverſed, to be given againſt them or any of them, by Action, or Actions, upon his or their Caſe or Caſes; according to the Courſe of the common Law.

And if it happen the ſaid Offender or Offenders, ſo offending, not to have any Goods or Chattels, to the Value of *Twenty Pounds*, that then he or they be ſet on the Pillory by the Space of one whole Hour, in ſome Market Town where the Offence was committed, or next adjoining to the Place where the Offence was committed, and to have both his Ears nailed; and from thenceforth to be diſcredited and diſabled for ever to be Sworn in any Court of Record, until ſuch time as the Judgment ſhall be reverſed.

And all and every Perſon and Perſons who ſhall unlawfully and corruptly procure any Witneſs or Witneſſes, by Letters, Rewards, Promiſes, or by any other ſiniſter and unlawful Labour or Means whatſoever; to commit any wilful and corrupt Perjury, in any Matter or Cauſe whatſoever depending; or that ſhall depend in Suit and Variance by any Writ, Action, Bill, Complaint or Information in any Court of Record; or to teſtify in *Perpetuam rei memoriam*: Every ſuch Offender, being thereof duly convict or attainted by Law, ſhall for his or their Offence be proceeded againſt, and ſuffer the like Pains, Penalties, Forfeitures, and Diſability in all Reſpects as above-mentioned.

And it is further enacted by the Authority aforeſaid, That all the aforeſaid Forfeitures and Sums of Money ariſing for any Offence mentioned in this Act, and every Branch thereof, and not otherwiſe diſpoſed of; ſhall be unto their Majeſties, for and towards the Support of the Government of this Province, and the incident Charges thereof.

## CHAP. VII.

## An Act for the ſuppreſſing of Unlicenſed Houſes, and the due Regulation of ſuch as are, or ſhall be Licenſed.

None to keep a Houſe of common Entertainment, or ſell ſtrong Drink publickly or privately without Licence, on Penalty of 40*s*.

One Half to the Informer, and the other to the Uſe of the Poor. 7 *W.* ca. 2 10 11 *A.* ca. 1. 7 *G.* c 8.

Upon ſecond Conviction, to give Bond for the good Behaviour.

BE it ordained and enacted by the Governour, Council and Repreſentatives convened in General Court, and by the Authority of the ſame, That no Perſon or Perſons whatſoever (other than ſuch as upon producing Certificate from the Select-men of the Town where they dwell, or who ſhall be otherwiſe thought fit by the Juſtices themſelves, ſhall be licenſed by the ſaid Juſtices in Quarter Seſſions) may preſume to be a common Victualler, Innholder, Taverner, or Seller of Wine, Beer, Ale, Cyder, or ſtrong Liquors by Retail: nor ſhall any preſume without ſuch Licence, to ſell Wine or ſtrong Liquors privately by a leſs Quantity than a Quarter Caſk, and that delivered and carried away all at one time; on pain of forfeiting the Sum of *Forty Shillings* for every ſuch Offence, upon due Conviction thereof; one Half thereof to the Informer, and the other Half to the Uſe of the Poor of the Town where ſuch Offence is committed. And upon a ſecond Conviction, beſides the Forfeiture of *Forty Shillings* as aforeſaid, ſhall enter into Recognizance with one or more Sureties, for the good Behaviour, eſpecially not to tranſgreſs the Law in that Reſpect. Be

Be it further enacted by the Authority aforesaid, That all Licences be renewed yearly, and Bond given for the due Observance of the same, and of the Laws; and that the Person licensed shall use his Licence in such Houses as shall be therein named, and no other.

Licences to be renewed yearly and Bond given.

And if the Justices in Quarter Sessions shall think fit to Licence any Person or Persons not presenting a Certificate as aforesaid from the Select-men, the Clerk of the Sessions, before granting Licence to any such, shall signify the Name and Desire of every such Person unto the Select-men of the Town where such Person dwells, one Month before Hand, that so they may have Opportunity and Liberty to offer their Objections against it, if any such be.

Justices may grant Licence without Certificate of the Select-Men upon Notice given. 10 *W.* ca. 8.

*And forasmuch as the ancient, true and principal Use of Inns, Taverns, Ale-Houses, Victualling Houses, and other Houses for common Entertainment, is for Receipt, Relief and Lodging of Travellers and Strangers, and the Refreshment of Persons upon lawful Business; or for the necessary Supply of the Wants of such poor Persons as are not able by greater Quantities to make their Provision of Victuals: and are not intended for Entertainment and harbouring of lewd or idle People to spend or consume their Money or Time there:*

Games and Gaming forbidden in publick Houses, on pain of 4*s.*

Penalty on Gamesters.

Therefore to prevent the Mischiefs and great Disorders happening daily by the abuse of such Houses:

It is further enacted by the Authority aforesaid, That no Taverner, Inn-keeper, Ale-House-keeper or Victualler, shall have or keep in or about their Houses, Out-Houses, Yards, Backsides, Gardens or Places to them belonging, any Dice, Cards, Tables, Bowls, Shuffle-board, Billiards, Coyts, Cales, Logats, or any other Implements used in Gaming; nor shall suffer any Person or Persons resorting unto any of their Houses, to use or exercise any of the said Games, or any other unlawful Game or Sport within their said Houses, or any of the Dependencies as aforesaid, or Places to them belonging; on pain of forfeiting the Sum of *Forty Shillings* for every such Offence, upon due Conviction thereof; the said Fine to be disposed of as aforesaid. And every Person convicted of playing as aforesaid in any such House or Dependencies thereof, shall forfeit the Sum of *Six Shillings and Eight Pence*, to be disposed of as aforesaid. 5 *W. & M.* ca. 4.

Penalty for refusing to give Evidence against Persons selling without Licence.

And further it is enacted by the Authority aforesaid, That any Person duly summoned to give in Evidence respecting the Breach of this Act, in any of the Branches thereof, (other than the Party himself, his Children or Servants) that shall refuse to give in upon his Oath, when so required, what he knows relating to the Premisses, shall forfeit *Forty Shillings* to the Use of the Poor of the Town as aforesaid.

Act for suppressing of Drunkenness. 7 *W.* ca. 2. & 10. And an Act for the inspecting and suppressing Disorders in licensed Houses. 10 *W.* ca. 8.

And it is further enacted by the Authority aforesaid, That every Justice of the Peace in the County where he dwells, as well as the Justices in Quarter Sessions, are hereby respectively impowered to hear and determine all Offences against this Act, and may commit the Offender to Prison, until he pay the said Fine, and enter into Recognizance as aforesaid for the good Behaviour; or may cause the Fine to be levied by Distress and Sale of the Offenders Goods, returning the Overplus, if any be.

## CHAP. VIII.

## An Act for the better Observation and Keeping the Lord's-Day.

Labour and Sports prohibited on Penalty of 5*s.* 3 *C.* ca. 1.

Be it enacted and ordained by the Governour, Council and Representatives, convened in General Court or Assembly, and it is enacted by the Authority of the same, That all and every Person and Persons whatsoever, shall on that Day carefully apply themselves to Duties of Religion and Piety, publickly and privately; and that no Tradesman, Artificer, Labourer or other Person whatsoever, shall upon the Land or Water, do or exercise any Labour, Business or Work of their ordinary Callings; nor use any Game, Sport, Play or Recreation on the Lord's Day, or any Part thereof; (Works of Necessity and Charity only excepted) upon pain that every Person so offending, shall forfeit *Five Shillings*.

Further

Travelling prohibited on Penalty of 20 *s.*

*Further it is ordered and declared*, That no Traveller, Drover, Horse-Courser, Waggoner, Butcher, Higler, or any their Servants, shall travel on that Day, or any Part thereof, except by some Adversity they were belated and forced to lodge in the Woods, Wilderness or High-ways, the Night before; and in such Case, to travel no further than the next Inn or Place of Shelter, on that Day, upon the Penalty of *Twenty Shillings*.

Public Houses not to entertain any others than Strangers and Lodgers, on Penalty of 5 *s.* for every Person. 10 *W.* ca. 8. 5 *W. & M.* c. 4.

*Further it is ordered*, That no Vintner, Innholder, or other Person keeping any publick House of Entertainment, shall entertain or suffer any of the Inhabitants of the respective Towns where they dwell, or others not being Strangers, or Lodgers in such Houses, to abide or remain in their Houses, Yards, Orchards, or Fields drinking, or idly spending their Time on Saturday Night after the Sun is set, or on the Lord's Day, or the Evening following; upon the Pain and Penalty of *Five Shillings* for every Person, payable by themselves respectively, that shall be found so drinking or abiding in any such publick House or Dependencies thereof as aforesaid; and the like Sum of *Five Shillings* to be paid by the Keeper of such House, for every Person entertained by them.

One Justice of the Peace may hear and determine any Breach of this Act.

And for the better Execution of all and every the foregoing Orders, every Justice of the Peace within his County shall have Power and Authority to convent before him, any Person or Persons, who shall offend in any of the Particulars before mentioned, and upon his own View, or other legal Conviction of any such Offence, to impose the Fine and Penalty for the same, and to restrain or commit the Offender until it be satisfied; or to cause the same to be levied by Distress and Sale of the Offenders Goods, returning the over-plus (if any be) and in Case any such Offender be unable or refuse to satisfy such Fine, to cause him to be put in the Cage, or set in the Stocks, not exceeding three Hours: All Fines and Penalties accruing by this Act, to be to the Benefit and Relief of the Poor of such Town where the Offence is committed; and delivered into the Hands of the Select-men or Overseers of the Poor for that End.

Fines for Breach of this Act to be to the Use of the Poor.

And all Masters and Governours of Families are hereby required to take effectual Care that their Children, Servants and others under their immediate Government, do not transgress in any of the foregoing Particulars.

Justices, Constables, &c. required to see that this Act be observed.

And all and every Justices of the Peace, Constables and Tythingmen, are required to take effectual Care, and endeavour that this Act in all the Particulars thereof be duly observed; as also to restrain all Persons from Swimming in the Water, unnecessary and unseasonable walking in the Streets or Fields in the Town of *Boston*, or other Places, keeping open their Shops, or following their secular Occasions or Recreations in the Evening preceeding the Lord's Day, or any Part of the said Day or Evening following.

15 *G.* 2. ca. 3. 11 *A.* ca. 1. 1 *G.* 2. ca. 6. 19 *G.* 2. ca. 3.

And all Persons are strictly required to be obedient to, and aiding and assisting such Justices, Constables and other Officers herein, as they will answer the contrary at their Peril.

---

Resolves about the Act for the better Observation of the Lord's Day.

[*At a Great and General Court or Assembly for her Majesty's Province of the* Massachusetts-Bay *in* New-England *begun and held at* Boston *upon Wednesday the thirty-first of* May 1704. *The following Resolves were drawn up and passed*, viz. *Whereas a Doubt or Question has been moved upon the first Paragraph in the Act for the better Observation of the Lord's Day*; viz. *Whether the Penalty therein expressed extends to both Parts of the said Paragraph?*

Resolved, *That the said Penalty or Fine of* Five Shillings, *extends to both Parts of the said Paragraph; and is so to be understood.*

Further Resolved, *That by the Power of Restraint given by the latter Paragraph of the said Act; such Restraint is intended and to be understood of Imprisonment, not exceeding the space of twelve Hours; by setting in the Cage or Stocks, not exceeding three Hours; upon any that shall presumptuously and obstinately offend in any of the Particulars or Articles therein enumerated, contrary to any Admonition given by any Justice of the Peace, Constable, Tythingman, or other Officer.*]

---

CHAP.

## CHAP. IX.

## An Act for Prevention of common Nuſances ariſing by Slaughter-Houſes, Still-Houſes, &c. Tallow-Chandlers, and Curriers.

8 *W.* ca. 6. 7 *A.* ca. 1. 9 *A.* ca. 7.

BE it ordained and enacted by the Governour, Council and Repreſentatives, convened in General Court or Aſſembly, and by the Authority of the ſame, That the Select-men of the Towns of *Boſton*, *Salem* and *Charleſtown* reſpectively, or other Market Towns in the Province, with two or more Juſtices of the Peace dwelling in the Town, or two of the next Juſtices in the County, ſhall at or before the laſt Day of *March*, one Thouſand ſix Hundred ninety three, aſſign ſome certain Places in each of the ſaid Towns (where it may be leaſt offenſive) for the erecting or ſetting up of Slaughter-Houſes, for the killing of all Meat; Still-Houſes, and Houſes for trying of Tallow, and currying of Leather, (which Houſes may be erected of Timber, the Law referring to Building with Brick or Stone notwithſtanding.) And ſhall cauſe an Entry to be made in the Town Book, of what Places ſhall be by them ſo aſſigned, and make known the ſame by poſting it up in ſome public Places of the Town. At which Houſes and Places reſpectively, and no other, all Butchers and Slaughter-men, Diſtillers, Chandlers and Curriers, ſhall exerciſe and practiſe their reſpective Trades and Myſteries; on Pain that any Butcher or Slaughter-man tranſgreſſing of this Act by killing of Meat in any other Place, for every Conviction thereof, before one or more Juſtices of the Peace, ſhall forfeit and pay the Sum of *twenty Shillings*. And any Diſtiller, Chandler or Currier, offending againſt this Act, for every Conviction thereof before their Majeſties Juſtices at the General Seſſions of the Peace for the County, ſhall forfeit and pay the Sum of *Five Pounds*; one third Part of the ſaid Forfeitures to be to the Uſe of their Majeſties, for the Support of the Government of the Province, and the incident Charges thereof; one third to the Poor of the Town, where ſuch Offence ſhall be committed; and the other third to him or them that ſhall inform and ſue for the ſame.

Slaughter-Houſes, Still-Houſes, &c. to be in certain Places aſſigned, and in no other. 13 *G.* ca. 9. 14 *G.* 2. ca. 2. 8 *A* ca. 3. 5 *W.* & *M.* ca. 8. 10 *W.* ca. 1. 7 & 8 *G.* 2 ca. 3. 4 *W.* & *M.* ca. 1.

*And for preventing of Cruelty to Bruit Creatures:*

It is further enacted by the Authority aforeſaid, That all Calves, Sheep or Lambs, brought alive to the Market, ſhall be either driven or carried in Carts, Sleds, Panniers or Boats, and not otherwiſe; on pain of forfeiting of all Calves, Sheep or Lambs, paſſing towards, or brought alive to the Market, laid acroſs, or hanging by the Sides of Horſes, (as has been uſual) or in any other Way contrary to the true intent of this Act: One half of all ſuch Forfeitures to be unto the Informers, who ſhall ſeize and proſecute for the ſame; and the other Moiety to the Uſe of the Poor of the Town, where ſuch Seizure ſhall be made, to be diſtributed by the Select-men or Overſeers of the Poor.

Cruelty to Bruit Creatures forbidden.

And all Select-men, Overſeers of the Poor, Conſtables, Tything-men, and other Officers in any Town, upon their own View, or Information of any Tranſgreſſion of this Act within their reſpective Precincts, ſhall and hereby are impowered to ſeize or cauſe to be ſeized all Calves, Sheep or Lambs, that ſhall be carried or brought alive to the Market, in any other Way than is before directed. And upon due Proof thereof made before one or more Juſtices of the Peace, ſhall be forfeited, and the ſame or the Value thereof, be diſpoſed of as aforeſaid.

Select-men, Conſtables, &c. impowered to ſeize.

And all Veal or other Meat expoſed to Sale, that ſhall be blown up or winded, ſhall be alike forfeited and diſpoſed of.

Fleſh blown or winded to be forfeited.

## CHAP. X.

## An Act for the orderly consummating of Marriages.

Justices or Ministers respectively to solemnize Marriages. 7 *W.* ca. 6. 3 *G.* ca. 4.

BE it ordained and enacted by the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That every Justice of the Peace within the County where he resides, and every settled Minister in any Town, shall, and are hereby respectively impowered and authorized to solemnize Marriages, within their respective Towns and Counties, betwixt Persons that may lawfully enter into such a Relation, having the Consent of those whose immediate Care and Government they are under, and being likewise first published by asking their Banns at three several publick Meetings in both the Towns where such Parties respectively dwell; or by posting up their Names and Intentions at some publick Place in each of the said Towns, fairly written, there to stand by the space of fourteen Days; and producing Certificate of such Publishment under the Hand of the Town Clerk or Constable of such Towns respectively.

Publishment how to be made.

Fee for Marriage, &c. 3 *G.* ca. 4.

And the Fee to be paid for every Marriage, shall be *three Shillings*; and for Publishment and Certificate thereof, *one Shilling*.

Penalty for pulling down Publishments.

And be it further enacted, That whoever shall presume to deface or pull down any such Publishment, posted up in Writing, before the Expiration of the Time, shall be fined to the Use of the Poor of the Town, the Sum of *ten Shillings*, being convicted thereof, before one or more Justices of the Peace: And if the Party be unable to pay the said Fine, then to be set in the Stocks one whole Hour.

Marriages to be registred. 7 *W.* ca. 6.

And every Justice and Minister shall keep a particular Register of all Marriages solemnized before any of them, and make a return thereof at the End of each Quarter of a Year unto the Clerk of the Sessions of the Peace within the same County, to be by him registred; who is hereby impowered thereto, and shall be paid by every such Justice and Minister, *three Pence* for each Marriage so returned.

Divorce. 1 *G.* 2. ca. 8. 6 *W.* & *M.* ca 4. 10 *W.* ca. 10. 4 *A.* ca. 6.

And it is further enacted by the Authority aforesaid, That all Controversies concerning Marriage and Divorce, shall be heard and determined by the Governour and Council.

## CHAP. XI.

## An Act for the Settlement and Support of Ministers and School-Masters.

BE it ordained and enacted by the Governour, Council and Representatives convened in General Court or Assembly, and by the Authority of the same, That the Inhabitants of each Town within this Province shall take due Care from time to time, to be constantly provided of an able, learned orthodox Minister or Ministers of good Conversation, to dispense the Word of God to them; which Minister or Ministers shall be suitably encouraged and sufficiently supported and maintained by the Inhabitants of such Town. And all Contracts, Agreements and Orders heretofore made, or that shall hereafter be made by the Inhabitants of any Town within this Province respecting their Ministers or School-Masters, as to their Settlement or Maintenance, shall remain good and valid according to the true intent thereof, the whole time for which they were or shall be made, in all the Particulars thereof, and shall accordingly be pursued, put in Execution and fulfilled. And where there is no Contract and Agreement made in any Town, respecting the Support and Maintenance of the Ministry; or when the same happens to be expired, and the Inhabitants of such Town shall neglect to make suitable Provision therein; upon Complaint thereof made unto the Quarter Sessions of the Peace for the County where such Town lies; the said Court of Quarter Sessions

Contracts and Agreements to be made good.

Neglect of making suitable Provision for Ministers to be redressed by the Quarter Sessions.

Sessions shall, and hereby are impowered to order a competent Allowance unto such Minister, according to the Estate and Ability of the Town; the same to be assessed upon the Inhabitants by Warrant from the Court, directed to the Select-men, who are thereupon to proceed to make and proportion such Assessment in manner as is directed for other publick Charges, and to cause the same to be levied by the Constables of such Town, by Warrant under the Hands of the Select-men; or of the Town-Clerk by their Order. 4 & 5 *W. & M.* ca. 20. 7 *Wm.* ca. 7. 1 *Anne* ca. 3. 3 & 4 *G.* ca. 1. 16 *G.* 2. ca. 1.

The Court of Quarter Sessions to take Care that no Town be destitute of a Minister.

**Be it further enacted by the Authority aforesaid**, That where any Town shall be destitute of a Minister qualified as aforesaid, and shall so continue by the space of six Months, not having taken due Care for the procuring, settling and Encouragement of such Minister, the same being made to appear upon Complaint unto their Majesties Justices at the General Sessions of the Peace for the County, the said Court of Quarter Sessions shall, and hereby are impowered to make an Order upon every such defective Town speedily to provide themselves of such Ministers as aforesaid, by the next Sessions at the furthest; and in case such Order be not complied with, then the said Court shall take effectual Care to procure and settle a Minister qualified as aforesaid, and order the Charge thereof, and of such Minister's Maintenance, to be levied on the Inhabitants of such Town.

Churches to enjoy their Privileges & Freedoms.

**And it is further enacted by the Authority aforesaid**, That the respective Churches in the several Towns within this Province, shall at all times hereafter, use, exercise and enjoy all their Priviledges and Freedoms respecting divine Worship, Church Order and Discipline. And shall be encouraged in the peaceable and regular Profession and Practice thereof.

School for reading and writing.

**And be it further enacted by the Authority aforesaid**, That every Town within this Province having the Number of fifty Housholders or upwards, shall be constantly provided of a School-Master to teach Children and Youth to read and write. And where any Town or Towns have the Number of one Hundred Families or Housholders, there shall also be a Grammar School set up in every such Town, and some discreet Person of good Conversation, well instructed in the Tongues, procured to keep such School: Every such School-Master to be suitably encouraged and paid by the Inhabitants.

Grammar School.

School Masters to be supported. 13 *W.* ca. 20. 4 *G.* ca. 2.

And the Select-men and Inhabitants of such Towns respectively, shall take effectual Care, and make due Provision for the Settlement and Maintenance of such School-Master and Masters.

Penalty for Neglect. 13 *W.* ca. 20. 4 *G.* ca. 7. 11 *A.* ca. 1.

And if any Town qualified as before express'd, shall neglect the due Observance of this Act, for the procuring and settling of any such School-Master as aforesaid, by the space of one Year: Every such defective Town shall incur the Penalty of *ten Pounds* for every Conviction of such Neglect, upon Complaint made unto their Majesties Justices in Quarter Sessions for the same County in which such defective Town lieth; which Penalty shall be towards the Support of such School or Schools within the same County, where there may be most need, at the Discretion of the Justices in Quarter Sessions; to be levied by Warrant form the said Court of Sessions in Proportion upon the Inhabitants of such defective Town, as other publick Charges, and to be paid unto the County Treasurer.

## CHAP. XII.

## An Act for the Settlement of the Bounds, and defraying of the publick and necessary Charges arising within each respective County in this Province.

Counties to continue as formerly.

**BE it ordained and enacted by the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same**, That all Counties as they now lie, and are named, continue and remain distinct Counties to all Intents and Purposes in the Law whatsoever. And that there be a County Treasurer annually chosen for each respective County, being a Freeholder within the same; and to be chosen by

the Votes of the Freeholders, and other Inhabitants of each reſpective Town, duly qualified as is provided by the Act for the Choice of Select-men, and other Town Officers; and at the ſame time, ſuch Votes to be given in Writing, and ſealed up by the Conſtable, by him to be kept and returned unto the next Quarter Seſſions, to be held for ſaid County, there to be opened and ſorted by ſuch as the Court ſhall appoint, in Preſence of the Juſtices; and the Perſon having the Majority of the ſaid Votes, ſhall be Treaſurer of ſuch County for that Year, and be Sworn before the ſaid Court.

Choice of County Treaſurer.

*And for the due and equal raiſing of Monies for defraying of the Charges ariſing within each reſpective County for the neceſſary Repairs and Amendment of Bridges, Priſons, the Maintenance of poor Priſoners, and all other proper County Charges:*

County Charges how to be defrayed.

**It is further enacted by the Authority aforeſaid**, That when and ſo often from time to time as there ſhall be need of raiſing Money for the Ends aforeſaid in any County, the Juſtices in Quarter Seſſions for ſuch County, receiving Information thereof from the County Treaſurer, ſhall agree and determine the whole Sum to be raiſed, and each reſpective Towns Proportion of the ſame, as near as may be according to the Rule for raiſing of Money for the Province Charges, and ſhall iſſue forth their Order unto the Select-men of the reſpective Towns to aſſeſs the ſame upon the Inhabitants of ſuch Town, each one his due and equal Proportion thereof according to the Rule before-mentioned, as near as may be, to be paid in Money, or equivalent thereto; and to make a diſtinct Liſt of each Perſon's Name and Proportion under their Hands; and ſuch Liſt commit unto the Conſtable or Conſtables of ſuch Town, with a Warrant ſigned by the Town Clerk, directed unto the ſaid Conſtable or Conſtables to levy and collect the ſaid Aſſeſsment, of each one his reſpective Proportion: And to pay in their ſaid Collections unto the County Treaſurer, or his Order, within the time ſet for the ſame: And to make Diſtreſs upon every Perſon neglecting or refuſing to make Payment: And in default of Goods or Chattels whereon to make Diſtreſs, to commit the Party to the common Goal of the County until he make Payment, or otherwiſe be releaſed by the Juſtices in Quarter Seſſions. And if any Perſon or Perſons think themſelves over-rated in any ſuch Aſſeſsment, they ſhall be eaſed by the Aſſeſſors, making the ſame to appear; or in Default thereof, by the Court of Quarter Seſſions.

Money how to be applied.

Treaſurer to Accompt. 9 *A.* ca. 5.

**And further it is enacted**, That all Monies ſo collected, be improved and imployed for the Ends within mentioned, as the Court of Quarter Seſſions ſhall from time to time by their Order in Writing, direct and appoint. And the County Treaſurer in each reſpective County, ſhall account unto the Court of Quarter Seſſions, or whom they ſhall appoint, for all his Receipts and Payment.

## CHAP. XIII.

## An Act for regulating of Townſhips, Choice of Town-Officers, and ſetting forth their Power.

Bounds of Townſhips to continue as heretofore granted and ſettled: And to be run, and Marks renewed once in 3 Years under a Penalty

**Be it ordained and enacted by the Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame**, That the Bounds of all Townſhips ſhall be, and continue as heretofore granted and ſettled reſpectively, and ſhall be run betwixt Town and Town, and Marks renewed once in three Years, by two of the Select-men of each Town, or any other two Perſons whom the Select-men ſhall appoint: The Select-men of the moſt ancient Town to give Notice unto the Select-men of the next adjacent Towns, of the Time and Place of meeting for ſuch Perambulation, ſix Days before-hand; on pain of forfeiting *Five Pounds* by the Select-men of any Town, that ſhall neglect their Duty in any of the Particulars aforeſaid: two Thirds thereof unto the Uſe of the Poor of ſuch Town; and the other Third unto the Select-men of any of the next adjacent Towns, that ſhall inform and ſue for the ſame, in the Inferiour Court of Pleas within the ſame County, to be recovered by Action or Information.

And

And be it further enacted by the Authority aforesaid, That each Proprietor of Lands lying unfenced, or in any common Field, shall once in two Years, on six Days warning before given him, by the next Proprietor or Proprietors adjoining, run the Lines, make and keep up the Bounds between them, by sufficient met Stones; on pain that every Party so neglecting or refusing, shall forfeit the Sum of *ten Shillings*: one Half to the Party moving, and the other Half to the Use of the Poor of the Town, being convented and convicted of such Neglect or Refusal, before any Justice of the Peace within the same County; who is hereby impowered to hear and determine the same.

Proprietors of Lands unfenced or in common Fields to run the Lines once in two Years.

And further it is enacted by the Authority aforesaid, That the Proprietors of the undivided or common Lands within each Town and Precinct in this Province, where the same have been heretofore stated, each ones Proportion being known, shall, and hereby are impowered to order, improve or divide in such way and manner as shall be concluded and agreed upon by the major Part of the interested; the Voices to be collected and accounted according to the Interests. And the Proprietors of all undivided or common Lands not stated and proportioned as aforesaid; shall, and hereby are impowered to manage, improve, divide or dispose of the same as hath been, or shall be concluded and agreed on by the major Part of such Proprietors. That no Cottage or Dwelling-Place in any Town, shall be admitted to the Privilege of Commonage of Woods, Timber and Herbage, or any other the Privileges which lie in common in any Town or peculiar, other than such as were erected or privileged by the Grant of such Town or peculiar before the Year *One Thousand six Hundred sixty and one*, or that have been since, or shall hereafter be granted by the Consent of any Town or peculiar.

Some more Lands how to be improved.

*And whereas it has been a continued Practice and Custom in the several Towns within this Province, annually to choose Select-men or Townsmen, for the ordering and managing of the Prudential Affairs of such Town, and other Town Officers for the executing of other Matters and Things in the Laws appointed by them to be done and performed:*

Be it further ordained and enacted by the Authority aforesaid, That the Freeholders and other Inhabitants of each Town rateable at *twenty Pounds* Estate, to one single Rate besides the Poll; shall some time in the Month of *March* annually meet and convene together upon Notice given by the Constable or Constables of such Town, or such others as the Select-men or Townsmen shall appoint, to give Notice of such Meeting, and the Time and Place for the same: And by the major Vote of such Assembly, then and there shall choose three, five, seven or nine Persons, able and discreet, of good Conversation, inhabiting within such Town, to be Select-men or Townsmen and Overseers of the Poor, where other Persons shall not be particularly chosen to that Office, (which any Town may do as they shall find it necessary and convenient) as also to nominate and choose a Town Clerk, who shall be sworn truly to enter and record all Town Votes, Orders, Grants and Divisions of Land, made by such Town, and Orders made by the Select-men; a Commissioner for Assessments, Constables, Surveyors of High-Ways, Tything-men, Fence-Viewers, Clerks of the Market, Sealers of Leather, and other ordinary Town Officers. And the Town Clerk, or two of the Select-men, shall forthwith make, and give out unto the Constable or Constables of such Town, a List of the Names of those that shall be then chosen to the Office of Town-Clerk, Constables, Tything-men, Clerks of the Market, Sealers of Leather, and other Officers, of whom an Oath is by Law required; which Constable or Constables within the Space of six Days at furthest, shall summon each of them respectively to appear before the Quarter Sessions, if then Sitting, or one of the next Justices of the Peace, to be sworn to the faithful Discharge of their respective Offices and Trust, on Penalty of *Twenty Shillings* to the Use of the Poor of the Town, to be paid by each Constable neglecting of his Duty in that Behalf, upon Conviction thereof before one Justice of the Peace; and upon Non-payment, to be levied by Distress: *Provided*, That no Person in Commission for any Office, Civil or Military, Church-Officer, or Member of the House of Representatives for the Time

See Resolve at the End of this Act.

Qualification of Voters in Town-Meetings.

Select-men Constables & other Town-Officers to be annually chosen in *March*. 27 *G.* 2. ca. 3.

5 *A.* ca 2. Town Clerk to be under Oath.

Constables to summon Town-Officers to be sworn, under a Penalty.

Persons exempted from serving as Constables.

Time being, nor any other who has ſerved as Conſtable within the Space of ſeven Years before, ſhall be choſen to the Office of Conſtable.

Towns or Select-men having Inſtructions to make Orders and By-Laws, &c.

**It is further enacted by the Authority aforeſaid**, That the Freeholders and Inhabitants qualified as in this Act is mentioned in each reſpective Town, in any Town-Meeting, orderly warned according to the Uſage in ſuch Town, or the major Part ſo aſſembled, or the Select-men having Inſtructions given them in Writing by the Town for that Purpoſe; be, and hereby are impowered from time to time to make and agree upon ſuch neceſſary Rules, Orders and By-Laws for the directing, managing and ordering the prudential Affairs of ſuch Town, as they ſhall judge moſt conducing to the Peace, Welfare and good Order thereof; and to annex Penalties for the Obſervance of the ſame, not exceeding *twenty Shillings* for one Offence, provided that they be not repugnant to the general Laws of the Province: and ſuch Orders and By-Laws being preſented unto the Juſtices in Quarter Seſſions, and approved of by them, ſhall be eſtabliſhed, and binding to all the Inhabitants of ſuch Town, and the Penalty for Breach of any of them by any of the Inhabitants, to be levied by Warrant of Diſtreſs from any Juſtice of the Peace before whom ſuch Offender ſhall be convicted, to the Uſe of the Poor of ſuch Town.

Orders and By-Laws in Towns, to be approved by the Quarter Seſſions.

Penalty to be levied by Warrant from a Juſtice

Select-Men to make Aſſeſſment for County and Town-Charges.

**And further it is enacted by the Authority aforeſaid**, That the Select-men or Townſmen choſen as aforeſaid, in each Town reſpectively, be and hereby are impowered to aſſeſs the Inhabitants and others Reſident within ſuch Town, and the Precincts thereof, and the Lands and Eſtates lying within the Bounds of ſuch Town, in juſt and equal Proportion as near as may be unto the County Charges, according as they ſhall receive Order from the Court of Quarter Seſſions to be held for the ſame County; and to all Town Charges, each particular Perſon according to his known Ability and Eſtate, ſuch Sum and Sums as hath or ſhall be ordered, granted and agreed upon from time to time by the Inhabitants in any Town-Meeting regularly aſſembled; or the major Part of thoſe preſent at ſuch Meeting, for the Maintenance and Support of the Miniſtry, Schools, the Poor, and for the defraying of other neceſſary Charges ariſing within the ſaid Town, and thereof to make diſtinct and perfect Liſts under their Hands, or the major Part of them, ſetting down every Perſons Name, and ſeveral Proportion, and ſhall thereupon make out a Warrant to be ſigned by the ſaid Aſſeſſors, or the Town-Clerk by their Order, (who are hereby reſpectively impowered thereto) directed unto the Conſtable or Conſtables of the ſaid Town, for the ſpeedy levying and collecting of ſuch Aſſeſſments, and to pay in the ſame unto the Select-men, or to ſuch Perſon as they ſhall appoint for Receiver, within the time thereby prefix'd: And to make Diſtreſs upon all ſuch who ſhall neglect or refuſe to make Payment: And for want of Goods or Chattels whereon to make Diſtreſs, to ſeize the Perſon and commit him to the common Goal of the County, there to remain until he pay the Sum upon him aſſeſſed as aforeſaid; unleſs the ſame or any Part thereof, upon Application made unto the Quarter Seſſion, ſhall be abated. And if any Perſon think himſelf overrated; and make it ſo appear unto the Aſſeſſors, he ſhall be eaſed; and if they refuſe, ſuch Perſon aggrieved may make his Application unto the Juſtices in Quarter Seſſions, who are hereby impowered to rectify the ſame: And all Conſtables having any ſuch Aſſeſſment committed unto them, ſhall ſettle and iſſue their Accompts thereof, with the Select-men, or Receiver appointed by them, within three Months after their Time or Year is expired, on Pain of forfeiting the Sum of *twenty Shillings* per Month, for each Months neglect afterward, to the Uſe of the Poor of ſuch Town, and to be levied by Diſtreſs upon ſuch delinquent Conſtables Goods by Warrant from one Juſtice of the Peace, being convented and convicted of ſuch Neglect before him, who is hereby thereto impowered.

Aſſeſſors or Town-Clerk to make out a Warrant for levying the ſame. 9 *A.* ca. 5.

Diſtreſs to be made on Delinquents.

Perſons overrated to be eaſed. Conſtables to ſettle & iſſue their Accompts within 3 Months after the expiration of their Year. See Act relating to Town Aſſeſſments. 9 *W.* ca. 1.

*Provided nevertheleſs*, That every Conſtable at the End of every three Months ſhall pay in as aforeſaid, ſo much as he ſhall have collected within that time.

Idle Perſons & Loiterers to be imployed.

**And it is further enacted by the Authority aforeſaid**, That the Select-men or Overſeers of the Poor in each Town (where there are ſuch choſen, and ſpecially appointed for that Service) are hereby impowered and ordered to take effectual Care

Care that all Children, Youth, and other Persons of able Body, living within the same Town or Precincts thereof (not having Estates otherwise to maintain themselves) do not live idly, or misspend their time in loitering; but that they be brought up or imployed in some honest Calling, which may be profitable unto themselves, and the Publick. And if any Person or Persons fit and able to Work, shall refuse so to do, but loiter and misspend his or her time, wander from Place to Place, or otherwise misorder themselves; and thereof be convicted before one or more Justices of the Peace; such Person or Persons shall by such Justice or Justices be sent to the House of Correction, and at their Entrance be whipped on the naked Back, by the Master of such House, or such other as he shall procure, not exceeding ten Lashes; and be there kept to hard Labour, until he or she be discharged by such Justice or Justices, or the Quarter Sessions of the Peace for the same County. And it shall and may be lawful for the Overseers of the Poor, or Select-men in each Town where there are no other Persons specially chosen and appointed to be Overseers of the Poor; and they are hereby ordered with the assent of two Justices of the Peace, to bind any poor Children belonging to such Town, to be Apprentices, where they shall see convenient; a Man-Child, until he shall come to the Age of twenty-one Years, and a Woman-child, to the Age of eighteen Years, or time of Marriage: which shall be as effectual to all Intents and Purposes, as if any such Child were of full Age, and by Indenture of Covenant had bound him or her self.

Upon refusal to Labour, to be sent to the House of Correction. 11 *W.* ca. 6.

Poor Children to be bound out Apprentices.

**And it is further enacted by the Authority aforesaid,** That every Person and Persons, (except as in this Act is before excepted) being duly chosen as aforesaid, to serve in the Office of Constable, who shall refuse to take the Oath to that Office belonging, and to serve therein, if he be able in Person to execute the same; shall pay the Sum of *five Pounds*, to the Use of the Poor of such Town. And if in the Towns of *Boston* or *Salem*, the Sum of *ten Pounds*, and shall forthwith declare his Acceptance or Refusal, and the Town shall proceed to a new Choice; and if such Person refuse to pay down his Fine, he shall be convened before the next Sessions of the Peace, to be held for that County in which such Town lieth, who upon Certificate under the Hand of the Town Clerk, or two or more of the Select-men, that such Person was legally chosen to the Office of Constable, and shewing no just Cause to the Sessions for his Excuse; the Justices shall order a Warrant to be signed by the Clerk of the Peace, directed to any of the Constables then in being within such Town, to levy the said Fine by Distress and Sale of such Offenders Goods, returning the Over-plus (if any be) the said Fine to be delivered unto the Overseers of the Poor, or Select-men to the Use of the Poor of such Town.

Penalty for not serving in the Office of Constable.

**And be it further enacted by the Authority aforesaid,** That if any Person or Persons come to sojourn or dwell in any Town within this Province or Precinct thereof, and be there received and entertained by the space of three Months, not having been warned by the Constable, or other Person whom the Select-men shall appoint for that Service, to leave the Place, and the Names of such Persons, with the time of their Abode there, and when such Warning was given them, returned unto the Court of Quarter Sessions; every such Person shall be reputed an Inhabitant of such Town, or Precincts of the same; and the proper Charge of the same, in case through Sickness, Lameness, or otherwise they come to stand in need of Relief, to be born by such Town; unless the Relations of such poor impotent Person, in the Line or Degree of Father or Grand-Father, Mother or Grand-Mother, Children or Grand-Children, be of sufficient Ability; then such Relations respectively shall relieve such poor Person, in such Manner as the Justices of the Peace in that County where such sufficient Persons dwell shall assess; on pain that every one failing therein, shall forfeit *Twenty Shillings* for every Months Neglect, to be levied by Distress and Sale of such Offenders Goods by Warrant from any two such Justices of the Peace (*Quorum Unus*) within their Limits; which shall be imployed to the Use and Relief of such impotent poor Person. *Provided nevertheless*, This Act shall not be understood of any Persons committed to Prison, or lawfully restrained in any Town, or of such as shall come, or be sent for Nursing or Education,

Persons entertained in any Town by the space of three Months, and not warned out, to be reputed Inhabitants. 12 & 13 *W.* 3. ca. 10. 11 *G.* ca. 1.

Persons of Ability, to relieve their Poor Relations.

ducation, or to any Physician or Surgeon to be healed or cured: But the particular Persons who receive and entertain any such, shall be the Town's Security in their Behalf; and be obliged to relieve and support them in Case of Need; upon Complaint made to the Quarter Sessions, who shall accordingly order the same.

Persons warned out of Town; to depart in 14 Days or else to be sent by the Constable.

**And it is further enacted by the Authority aforesaid**, That any Person orderly warned as aforesaid to depart any Town whereof he is not an Inhabitant, and neglecting so to do by the space of fourteen Days next after such Warning given, may by Warrant from the next Justice of the Peace be sent and conveyed from Constable to Constable, unto the Town where he properly belongs, or had his last Residence, at his own Charge, if able to pay the same, or otherwise at the Charge of the Town so sending him.

Constables to warn Town-meetings. 2 G. ca. 4. Penalty for neglect.

**And further it is enacted by the Authority aforesaid**, That when and so often as there shall be Occasion of a Town-meeting for any Business of publick Concernment to the Town there to be done; the Constable or Constables of such Town, by order from the Select-men, or major Part of them, or of the Town Clerk by their Order, in each respective Town within this Province, shall warn a Meeting of such Town, having Order for the same in Writing; on Pain that every Constable neglecting his Duty in that Respect, and being thereof convicted before one Justice of the Peace, shall forfeit the Sum of *twenty Shillings*, to the Use of the Poor of such Town, and to be levied by Distress and Sale of such Offenders Goods, by Warrant from such Justice of the Peace, upon neglect or refusal of Payment. And in Case the Select-men in any Town shall unreasonably deny to call a Meeting of the Inhabitants of such Town, upon any publick Occasion thereof, the same being complained of, and made to appear to one of the next Justices of the Peace within the same County; such Justice by his Warrant directed to the Constable or Constables, may order a Meeting of the Inhabitants of such Town, therein signifying the Occasion thereof.

Justice to give Warrant for Town-meeting in case.

---

[*At a Great and General Court or Assembly of his Majesty's Province of the* Massachusetts-Bay, *begun and held at* Boston, *upon Wednesday the 30th of* May 1722. *The following Resolve was drawn up and passed on a Paragraph which relates to the Qualifications of Voters in Town-Meetings, in the Act for regulating of Townships and Choice of Town-Officers, made in the fourth Year of King* William *and Queen* Mary, viz. *Whether the Words* [*rateable at Twenty Pounds Estate to one single Rate besides the Poll*] *are to be understood as the Qualification of Freeholders, as well as other Inhabitants of Towns*, &c.

*Resolved in the Affirmative, and that the Law ought so to be understood.*

---

## CHAP. XIV.

## An Act for due Regulation of Weights and Measures.

*TO the End that Weights and Measures may be one and the same throughout this their Majesties Province:*

Standard of *Winchester* Measure. 12 *W.* ca. 11. 4 *A.* ca. 2. 4 & 5 *G.* 2 ca. 6. 12 *G.* 2. ca. 3. 17 *G.* 2 ca. 7. Constables to provide Standards.

**Be it enacted and ordained by the Governour, Council and Representatives in General Court assembled, and by the Authority of the same**, That the Brass and Copper Weights and Measures formerly sent out of *England*, with Certificate out of their Majesties Exchequer to be approved *Winchester* Measure according to the Standard in the Exchequer; be the publick allowed Standard throughout this their Majesties Province for the proving and sealing all Weights and Measures thereby. And the Constables of every Town throughout this Province, not already supplied, shall within three Months next coming, provide upon the Towns Charge, one Bushel, one half Bushel, one Peck, one half Peck; one Ale Quart, one Wine Pint and half

half Pint; one Ell, one Yard; one Sett of Brass Weights, to four Pounds, after sixteen Ounces to the Pound, with fit Scales, and Steel Beam, tried and proved by the aforesaid Standard, and sealed by the Treasurer, or his Deputy in his Presence, (which shall be kept and used only for Standards in the several Towns) who is hereby authorized to do the same; for which he shall receive from the Constables of each Town, *two Pence* for every Weight and Measure so tried and proved and sealed. And the Constables of every Town shall commit those Weights and Measures unto the Custody of the Select-men of their Towns, for the time being, who with the Constables are hereby enjoined to chuse one able Man for Sealer of all Weights and Measures for their Town from time to time, and till another be chose, who shall be presented unto the next Court of Sessions, and there sworn to the faithful Discharge of his Duty: And shall have Power to send forth his Warrants by the Constable to all the Inhabitants of such Town, to bring in all such Weights and Measures as they make use of, in the Month of *April*, from Year to Year, at such Time and Place as he shall appoint, and make Return to the Sealer in Writing of all Persons so summoned. That then and there all such Weights and Measures may be proved and sealed with the Town Seal (which is likewise to be provided by the Constables at each Towns Charge) who shall have for every Weight and Measure so sealed, *one Penny* from the Owner thereof at the first sealing. And all such Weights and Measures as cannot be brought to their just Standard, he shall deface and destroy. And after the first sealing, shall have nothing, so long as they continue just with the Standard.

Sealer of Weights and Measures, how to be chosen.

To grant out Warrants for Sealing of Weights and Measures in *April* yearly.

Fee.

Penalty for Neglect.

And it is further enacted by the Authority aforesaid, That if any Constable, Select man or Sealer, do not duly execute this Law so far as to each and every of them appertains, they and each of them shall forfeit to their Majesties for every such Neglect, by the Space of one Month, the Sum of *forty Shillings*, towards the Support of their Government here. And every Person neglecting to bring in their Weights and Measures at the Time and Place appointed, being duly warned thereto, shall likewise forfeit *three Shillings and four Pence*; the one Half whereof to be to their Majesties as aforesaid, the other Half to the Sealer aforesaid. And the Penalty herein mentioned, to be levied by Distress by Warrant from any Justice of the Peace.

Penalty for Constables Select-Men or Sealers neglect.

Penalty for not bringing in Weights when warned

And it is further enacted by the Authority aforesaid, That in every Seaport Town within this Province, the Constable or Constables are to provide upon the Town's Charge, one Hundred Weight, one half Hundred, one Quarter of an Hundred, and one fourteen Pounds Weight made of Iron, to be tried, proved and sealed as aforesaid, and be kept as Standards in the said several Towns, to be used as before for other Weights and Measures is directed.

Sea Port Towns to be provided of great Weights.

## CHAP. XV.

## An Act for the Regulating and Encouragement of Fishery.

4 *W.* & *M.* ca. 5. 4 *G.* ca. 5.

*UPON Consideration of great Damage and Scandal that hath happened upon the Account of pickled Fish, although afterwards dried and hardly discoverable, to the great Loss of many, and also an ill Reputation of this Province, and the Fishery of it.*

Be it therefore enacted by the Governour, Council and Representatives, convened in General Court, or Assembly, and it is enacted by the Authority of the same, That no Person or Persons whatsoever, after the Publication hereof, shall save or salt any Sort of Fish (that is intended to be dried) in Cask or Vatts, or any other Way than what hath formerly and honestly been practised for the making of dry Fish; on Penalty of forfeiting all such Fish so salted and pickled, whether it be green or dry; the one Moiety thereof to the Use of the Poor of the Town where the Offence is committed, and the other Moiety to the Person that shall sue for the same.

How dry Fish shall be saved.

No Mackrel to be salted up before the first of *July*. Repealed. 4 & 5 *W. & M.* ca. 20. Re-enacted. 1 *A.* ca. 5.

**And it is further enacted by the Authority aforesaid,** That henceforth no Mackrel shall be caught (except for spending whilst fresh) before the first Day of *July* annually: And no Person or Persons whatsoever after the Publication hereof, shall at any Time or Place within this Province, take, kill, or hale ashore any Mackrel, with any Sorts of Nets, or Seans whatsoever; on Penalty of forfeiting all such Mackrel so taken or haled ashore, and also all such Nets and Seans which were so employed: the one Half thereof to their Majesties, toward the Support of this their Government, and the other Half to him or them that shall inform and sue for the same. And all Justices are hereby impowered and required to grant their Warrants for the seizing of the same, and the aforesaid Forfeitures, or the receiving of the like Value in currant Money of this Province.

Penalty for taking Mackrel in Nets or Seans.

## CHAP. XVI.

## An Act requiring the taking the Oaths appointed to be taken instead of the Oaths of Allegiance and Supremacy.

Preamble.

*WHEREAS their Royal Majesties in and by their Charter for the erecting and incorporating of their Province of the* Massachusetts-Bay *in* New-England, *have granted and ordained, that the Governour, or Lieutenant or Deputy Governour of their said Province or Territory, for the Time being, or either of them, or any two or more of the Council or Assistants for the Time being, as shall be thereunto appointed by the said Governour; shall and may at all Times, and from Time to Time, have full Power and Authority to administer and give the Oaths appointed by an Act of Parliament made in the first Year of their present Majesties Reign, (entituled* An Act for the abrogating of the Oaths of Allegiance and Supremacy and appointing other Oaths) *to be taken in Stead of the Oaths of Allegiance and Supremacy; to all and every Person and Persons which are now inhabiting or residing within the said Province or Territory; or which shall at any Time or Times hereafter go or pass thither:*

Now to the Intent that there be no Failure herein, but that their Majesties Subjects within this their Province, may accordingly recognize their Duty and Allegiance:

All Male Persons of 18 Years and upwards to take the Oaths.

**Be it enacted and ordained by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same,** That the Oaths in the said Act mentioned, and thereby appointed to be taken in Stead of the Oaths of Allegiance and Supremacy, and each of them, be and shall be forthwith administred and given unto all Male Persons of the Age of eighteen Years, or above, inhabiting or residing in any Town or Place within this Province (that have not already taken the same, and shall make it so to appear) by his Excellency the Governour, or the Lieutenant or Deputy Governour, or any two or more of the Council or Assistants, or such others as shall be thereunto appointed by the Governour; and the List of the Names of all Persons so Sworn to be returned into the Secretary's Office.

Additional Act 6 *G.* ca. 4.

Penalty for refusing

**And be it further enacted by the Authority aforesaid,** That if any Person or Persons shall refuse to take the said Oaths, or either of them, when tendered to him or them by any Persons lawfully authorized as is aforesaid, to administer or tender the same; the Person or Persons so tendering the said Oaths, or either of them, shall commit the said Person and Persons so refusing, to the common Goal, or House of Correction; there to remain without Bail or Mainprize, for the Space of three Months; unless such Offender shall pay down to the said Person or Persons so tendering the said Oaths, or either of them, such Sum of Money, not exceeding *forty Shillings*; as the said Person or Persons so tendering the said Oaths, or either of them, shall require such Offender to pay for his

his said Refusal; which Money shall be paid to the Select-men, or Overseers of the Poor of the Town, or Place where such Offender did last inhabit.

And unless every such Offender, shall also become bound with two sufficient Sureties, with Condition to be of the good Behaviour; and also to appear at the next General Quarter Sessions of the Peace, to be held for the same County, where such Offender doth inhabit or reside: At which Court of Quarter Sessions, the said Oaths shall be again tendered to every such Offender by the Justices of the said Court in open Sessions. And if the said Offender shall refuse to take the said Oaths, or either of them, when tendered to him by the said Justices in open Sessions as is aforesaid; the said Justices tendering the said Oaths, shall commit the said Person and Persons so refusing, to the common Goal, or House of Correction, there to remain for the Space of six Months, unless every such Offender shall pay down to the Justices so tendering the said Oaths, such Sum of Money, not exceeding *ten Pounds*, nor under *five Pounds*, as the said Justices shall require such Offender to pay for his second Refusal: the said Money to be disposed of in Manner aforesaid; and unless every such Offender shall likewise become bound with two sufficient Sureties with Condition to be of the good Behaviour, until he or they do take the said Oaths.

Penalty for a second refusal.

*And whereas there are certain Persons who scruple the taking of any Oath:*

**Be it enacted by the Authority aforesaid,** That every such Person shall make and subscribe the Declaration of Fidelity following, *viz.*

Declaration of Fidelity.

I A. B. *do sincerely promise and solemnly declare before GOD and the World, that I will be true and faithful to King* WILLIAM *and Queen* MARY: *And I do solemnly profess and declare, that I from my Heart, abhor, detest, and renounce as impious and heretical, that damnable Doctrine and Position, that Princes excommunicated or deprived by the Pope, or any Authority of the See of* Rome; *may be deposed or murdered by their Subjects, or any other whatsoever: And I do declare, that no foreign Prince, Person, Prelate, State or Potentate, hath or ought to have any Power, Jurisdiction, Superiority, Pre-eminence or Authority, ecclesiastical or spiritual, within the Realm of* England, *or any of their Majesties Dominions.*

## CHAP. XVII.

## An Act for the establishing of Forms of Oaths.

**BE it declared and enacted by the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same,** That the several Forms of Oaths here under-written, be and are hereby established: To be given and administred unto the respective Officers for whom they are appointed: *As followeth:* 10 *W.* ca. 14. 13 *W.* ca 17. 7 *G.* ca. 1. 4 *G.* 2. ca. 1.

YOU *A. B.* being chosen and admitted of their Majesties Council within this their Province, do swear by the ever-living GOD, That you will to the best of your Judgment at all Times, freely give your Advice to the Governour, for the good Management of the publick Affairs of this Government; and that you will not directly nor indirectly reveal such Matters as shall be debated in Council, and committed to your Secrecy. But will in all Things be a true and faithful Councellor when you are thereunto required. *So help you GOD.* Councellors. Oath.

YOU *A. B.* do swear, That as Justice of the Peace in the County of *S.* according to the Commission given you; You shall dispense Justice equally and impartially in all Cases; and do equal Right to the Poor and to the Rich, after your Cunning Wit and Power, and according to Law. And you shall not be of Council in any Quarrel that shall come before you: You shall not let for Gift or other Cause. But well and truly you shall do your Office of Justice of the Peace in that Behalf, taking only appointed Fees. And you shall not direct or cause to be directed any Warrant (by you to be made) to the Parties; but you shall direct your Warrant to the Sheriff, his Under-Sheriff or Deputy, Justice of the Peace Oath. Justices of Superiour & Inferiour Courts Oath. 10 *W.* ca. 14.

Deputy, Conſtable, Tything-men, or other Officers, proper for the Execution of the ſame in the County. And this you ſhall do without Favour or Reſpect to Perſons. *So help you GOD.*

Sheriff or Marſhals Oath, *Mutatis mutandis.*

YOU ſwear, That you will well and truly ſerve the King and Queen's Majeſties, in the Office of the Sheriff of the County of *S.* and do the King and Queen's Profit in all Things that belongeth to you to do by Way of your Office, as far forth as you can or may; you ſhall truly keep the King and Queen's Rights, and all that belongs to the Crown: you ſhall not reſpite the King and Queen's Debts for any Gift or Favour, where you may raiſe them without great Grievance of the Debtors; you ſhall truly and uprightly treat the People of your Sheriffwick, and do Right as well to Poor as to Rich, in all that belongeth to your Office: You ſhall do no Wrong to any Man, for any Gift or other Beheſt or Promiſe of Goods, for Favour nor Hate; you ſhall diſturb no Man's Right: You ſhall truly acquit at the Treaſury, all thoſe of whom you ſhall any Thing receive of their Majeſties Debts; you ſhall nothing take whereby their Majeſties may loſe, or whereby the Right may be letted or diſturbed, or their Majeſties delayed; you ſhall truly return, and truly ſerve all their Majeſties Writs, as far forth as ſhall be to your Cunning; you ſhall take no Bailiff into your Service, but ſuch as you ſhall anſwer for, and of true and ſufficient Men in the County, and ſhall cauſe each of your Bailiffs, to make ſuch Oath as you make your ſelf, in that belongeth to their Occupation. And over this, in eſchewing and reſtraint of the Man-ſlaughters, Robberies, and other manifold grievous Offences that be done daily. All theſe Things you ſhall truly obſerve and keep. *So help you GOD.*

Grand Jurors Oath.

YOU as Foreman of this Inqueſt for the Body of this County of *S.* You ſhall diligently enquire, and a true Preſentment make of all ſuch Matters and Things as ſhall be given you in Charge; the King and Queen's Majeſties Counſel, your Fellows and your own, you ſhall keep ſecret; you ſhall preſent no Man for Envy, Hatred or Malice; neither ſhall you leave any Man unpreſented for Love, Fear, Favour or Affection, or Hope of Reward: But you ſhall preſent Things truly as they come to your Knowledge, according to the beſt of your Underſtanding. *So help you GOD.*

THE ſame Oath which your Foreman hath taken on his Part, you and every of you on your Behalf ſhall well and truly obſerve and keep. *So help you GOD.*

Petit Jurors Oath.

YOU ſhall well and truly try, and true Deliverance make between our Sovereign Lord and Lady the King and Queen, and the Priſoners at the Bar, whom you ſhall have in Charge according to your Evidence. *So you help GOD.*

Jurors Oath in civil Cauſes.

YOU ſwear, That in all Cauſes betwixt Party and Party that ſhall be committed unto you: You will give a true Verdict therein according to Law, and the Evidence given you. *So help you GOD.*

Town Clerk's Oath.

YOU ſwear, That in the Office of Town-Clerk within the Town of *B.* whereto you are choſen: You will diligently and faithfully attend and diſcharge the Duty of your Place, and duly obſerve the Directions of the Law in all Things whereto your Office hath Relation, and thereby committed to your Care and Truſt. *So help you GOD.*

Oath of Leather Sealer. Clerk of the Market. Culler of Fiſh, Packer, Gager, *Mutatis mutandis.*

YOU ſwear, That you will from time to time diligently and faithfully Diſcharge and Execute the Office of ———— within the Limits whereto you are appointed for the enſuing Year, and until another be choſen in your Place; and that in and by all the Particulars mentioned in the Laws whereto your Office hath Relation; and that you will do therein impartially according to Law, without Fear or Favour. *So help you GOD.*

Conſtables Oath.

WHEREAS you *A. B.* are choſen Conſtable within the Town of *C.* for one Year now following, and until other be choſen and Sworn in your Place: You do ſwear, That you will carefully intend the Preſervation of the Peace, the diſcovery and preventing all Attemps againſt the ſame: That you will

will duly execute all Warrants which shall be sent unto you from lawful Authority; and faithfully attend all such Directions in the Laws and Orders of Court, as are, or shall be committed to your Care. That you will faithfully and with what speed you can, collect and levy all such Fines, Distresses, Rates, Assessments and Sums of Money, for which you shall have sufficient Warrants according to Law; rendering an Account thereof, and paying in the same according to the Direction in your Warrant. And with like Faithfulness, Speed and Diligence, will serve all Writs, Executions and Distresses in private Causes betwixt Party and Party, and make Returns thereof duly into the same Court, where they are returnable. And in all these Things you shall deal seriously, and faithfully, whilst you shall be in Office, without any sinister Respects of Favour or Displeasure.

*So help you GOD.*

## CHAP. XVIII.

## An Act for regulating Fees.

BE it enacted and ordained by the Governour, Council and Representaties, convened in General Court or Assembly, and it is hereby enacted and ordained by the Authority of the same, That the Establishment of the Fees belonging to the several Offices in this Province; be as followeth.

### Justices Fees.

| | *l.* | *s.* | *d.* | |
|---|---|---|---|---|
| FOR every Attachment or Summons for Actions not exceeding forty Shillings, *six Pence.* | 00 | 00 | 06 | |
| *Sub pœna*, each Witness, *two Pence.* | 00 | 00 | 02 | See |
| Entring the Action, *three Shillings.* | 00 | 03 | 00 | Act impowring Justices to decide Differences not exceeding forty Shillings 9 *W.* ca. 2. |
| Every Execution, *two Shillings.* | 00 | 02 | 00 | |
| Filing Papers, each Paper, *two Pence.* | 00 | 00 | 02 | |
| Every Warrant for Criminals, *one Shilling.* | 00 | 01 | 00 | |
| Bond for Appeal, *one Shilling.* | 00 | 01 | 00 | |
| Copy of Evidences, the least *six Pence.* | 00 | 00 | 06 | |
| Copy of a Judgment, *six Pence.* | 00 | 00 | 06 | |
| Every Recognizance, *two Shillings.* | 00 | 02 | 00 | |
| Confessing Judgment, *one Shilling.* | 00 | 01 | 00 | |
| Affidavit out of Court, *one Shilling.* | 00 | 01 | 00 | |
| Each Days Attendance at the Sessions, to be paid out of the Fines, *four Shillings.* | 00 | 04 | 00 | |
| Acknowledging of a Deed or Mortgage, or any other Instrument, *two Shillings.* | 00 | 02 | 00 | |

### Coroners Fees.

| | *l.* | *s.* | *d.* | |
|---|---|---|---|---|
| FOR taking every Inquisition, to be paid out of the Estate of the Deceased, *thirteen Shillings* and *Four Pence.* | 00 | 13 | 04 | 12 *W.* ca. 6. |
| If no Estate, then to be paid by the County Treasurer, *six Shillings* and *eight Pence.* | 00 | 06 | 08 | |

### Fees for Probate of Wills, granting Administrations, &c.

| | | | |
|---|---|---|---|
| FOR granting Administration, Bond and Letter of Administration under the Seal of the Office, if the Inventory amount to thirty Pounds or upwards. to the Judge, *four Shillings*, to the Register *three Shillings six Pence.* | 00 | 07 | 06 |
| If the Inventory be under thirty Pounds, *five Shillings*, | 00 | 05 | 00 |
| Probate of a Will where the Inventory amounts to thirty Pounds or upwards; to the Judge *three Shillings* and *six Pence*, to the Register, *two Shillings* and *six Pence.* | 00 | 06 | 00 |
| If under thirty Pounds, *four Shillings*, | 00 | 04 | 00 |

Recording

| | | | |
|---|---|---|---|
| Recording a Will or Inventory of one Page, and filing the same, *two Shillings* and *six Pence*. | 00 | 02 | 06 |
| If more, each Page of twenty-eight Lines eight Words in a Line, *one Shilling*. | 00 | 01 | 00 |
| For a Copy of a Will or Inventory, *twelve Pence* a Page, each Page to contain as aforesaid. | 00 | 01 | 00 |
| Allowing Accompts, settling and dividing of Intestate Estates, *Five Shillings*. | 00 | 05 | 00 |
| Every Citation, *one Shilling*. | 00 | 01 | 00 |
| Every Quietus *four Shillings*. | 00 | 04 | 00 |
| Warrant for Apprizement, *two Shillings*. | 00 | 02 | 00 |
| Making out a Commission to receive and examine the Claims of Creditors to insolvent Estates and registring of the same, *Three Shillings*. | 00 | 03 | 00 |
| Registring of the Commissioners Report after the Rate of *one Shilling* per Page, to be accounted as aforesaid. | 00 | 01 | 00 |
| For entring an Order upon the Administrator to pay out the Estate in Proportion unto the several Creditors returned by the Commissioners, *one Shilling and six Pence*. | 00 | 01 | 06 |

## Secretaries Fees.

| | | | |
|---|---|---|---|
| FOR engrossing the Acts or Laws of the General Assembly, *Ten Shillings* each, to be paid out of the publick Revenue, | 00 | 10 | 00 |
| Every Commission for the Justices of each County, and Commission of Oyer and Terminer, *ten Shillings*, to be paid out of the publick Revenue. | 00 | 10 | 00 |
| Every Commission for a Military Officer, *three Shillings*, to be paid out of the publick Revenue. | 00 | 03 | 00 |
| Special Warrant or Mittimus by Order of the Governour and Council, each *two Shillings and six Pence*. | 00 | 02 | 06 |
| Every Commission under the great Seal, for Places of Profit, *ten Shillings*. | 00 | 10 | 00 |
| Every Bond, *two Shillings*. | 00 | 02 | 00 |
| Every Order of Council to the Benefit of particular Persons, *two Shillings and six Pence*. | 00 | 02 | 06 |
| Every Petition to the Governour and Council or General Assembly, according to the Import, from *two Shillings* and *six Pence* to *ten Shillings*. | | | |
| A Pass or Sea Brief, *three Shillings*. | 00 | 03 | 00 |
| A Bill of Health, *three Shillings*. | 00 | 03 | 00 |
| Every Writ for electing of Assembly-Men, directed to the Sheriff or Marshal, under the Province-Seal, *five Shillings*, to be paid out of the publick Revenue. | 00 | 05 | 00 |
| Additional Act. 1 *G.* ca. 5. 3 *G.* ca. 6. For transcribing the Acts or Laws passed by the General Assembly into a Book, *twelve Pence* a Page, each Pige to contain twenty eight Lines, eight Words in a Lane, and so proportionably; to be paid out of the Publick Revenue. | | | |

In the Superiour Court.

## The Justices Fees.

| | | | |
|---|---|---|---|
| ENTRY of every Action for Trial, *twelve Shillings*. | 00 | 12 | 00 |
| Out of which the Clerk, *two Shillings*. | 00 | 02 | 00 |
| Taking every special Bail, *two Shillings*. | 00 | 02 | 00 |
| Allowing of a Writ of Error, *three Shillings*, | 00 | 03 | 00 |
| Allowing a *Habeas Corpus*, *two Shillings*. | 00 | 02 | 00 |
| Confessing Judgment, *two Shillings*. | 00 | 02 | 00 |

Acknowledging

| | | | | |
|---|---|---|---|---|
| Acknowledging Satisfaction of a Judgment on Record, *one Shilling.* | 00 | 01 | 00 | |
| In all criminal Cases where a Fine is set, *six Shillings.* | 00 | 06 | 00 | |
| Taxing every Bill of Cost, *one Shilling.* | 00 | 01 | 00 | |

## Clerks Fees.

| | | | | |
|---|---|---|---|---|
| EVERY Writ and the Seal, *one Shilling* and *six Pence.* | 00 | 01 | 06 | |
| Every Rule of Court, *six Pence.* | 00 | 00 | 06 | |
| Filing every Declaration, *one Shilling.* | 00 | 01 | 00 | |
| To the Jury to be paid down by the Plaintiff, *six Shillings six Pence.* | 00 | 06 | 06 | 3 G. ca. 5. |
| Entring Appearance, *six Pence.* | 00 | 00 | 06 | |
| Signing a Judgment by Default, *one Shilling.* | 00 | 01 | 00 | |
| Taking every Verdict and recording it, *one Shilling.* | 00 | 01 | 00 | |
| Copies of all Records, *twelve Pence* a Page, each Page containing twenty eight Lines, eight Words in a Line. | 00 | 01 | 00 | |
| Less than one Page, *one Shilling.* | 00 | 01 | 00 | |
| Every Action withdrawn or Non-Suit, *one Shilling.* | 00 | 01 | 00 | |
| Every Petition read, *one Shilling.* | 00 | 01 | 00 | |
| Order thereon, *one Shilling.* | 00 | 01 | 00 | |
| Filing the Records of each Action, *two Pence* a Paper. | 00 | 00 | 02 | |
| Every Execution, *two Shillings.* | 00 | 02 | 00 | |

### *In Criminal Cases.*

| | | | | |
|---|---|---|---|---|
| DRAWING and ingrossing every Indictment or Information, *two Shillings.* | 00 | 02 | 00 | |
| Every Appearance, *six Pence.* | 00 | 00 | 06 | |
| For the Discharge of any Person upon Bail for the Peace, good Behaviour, Contempt and the like, and Warrant thereon, *one Shilling.* | 00 | 01 | 00 | |
| For awarding and making forth Process against the Defendant on Information, *one Shilling.* | 00 | 01 | 00 | |
| Every Warrant for the Peace or good Behaviour, *one Shilling.* | 00 | 01 | 00 | |

In the Inferiour Court.

## Justices Fees.

| | | | | |
|---|---|---|---|---|
| ENTRY of every Action, *ten Shillings.* | 00 | 10 | 00 | |
| Of which the Clerk is to have, *two Shillings.* | 00 | 02 | 00 | |
| Taking special Bail, *two Shillings.* Of which the Clerk one Quarter. | 00 | 02 | 00 | |
| Confessing Judgment, *one Shilling.* Of which the Clerk one Quarter. | 00 | 01 | 00 | |
| Acknowledging Satisfaction of Judgment on Record, *one Shilling.* | 00 | 01 | 00 | |
| Taxing every Bill of Cost, *one Shilling,* whereof *six Pence* to the Clerk, | 00 | 01 | 00 | |
| | 00 | 00 | 06 | |
| To the Jury to be paid down by the Plaintiff, *Six Shillings six Pence.* | 00 | 06 | 06 | |

## Clerks Fees.

| | | | | |
|---|---|---|---|---|
| FOR every Writ and Seal, *one Shilling.* | 00 | 01 | 00 | |
| Entring Appearance, *six Pence,* | 00 | 00 | 06 | |
| Entring and Recording the Verdict, *one Shilling.* | 00 | 01 | 00 | |
| Making up the Record, *one Shilling.* | 00 | 01 | 00 | |
| Copies of all Records, *twelve Pence* each Page, as before. | 00 | 01 | 00 | |
| Every Action withdrawn or Non-suit, *one Shilling.* | 00 | 01 | 00 | |
| Every Execution, *two Shillings.* | 00 | 02 | 00 | 3 G. ca. |

## Clerk of the Sessions of Peace his Fees.

| | | | | |
|---|---|---|---|---|
| ENTRING Complaint or Indictment, *two Shillings.* | 00 | 02 | 00 | |
| Discharge of a Recognizance, *one Shilling.* | 00 | 01 | 00 | |
| Making forth Process against Criminals, *one Shilling.* | 00 | 01 | 00 | |
| Every Summons, *three Pence.* | 00 | 00 | 03 | |

Every

Every Warrant for the Peace, or good Behaviour, *one Shilling*. 00 01 00
Every Licence for Houſes of publick Entertainment or Retailing, *four Shillings*. } 00 04 00
Whereof *two* to the Clerk.

## Sheriff, or Marſhals Fees; or Conſtables.

6 *W.* & *M.* ca. 3.

FOR ſerving every Summons for Trial, *one Shilling*. 00 01 00
Every *Capias* or Attachment, *two Shillings*. 00 02 00
and if above one Mile, *three Pence* per Mile beſides;
Bail Bond, *one Shilling*. 00 01 00
Levying Execution, for the firſt twenty Pounds or under, *one Shilling* per Pound; above that, not exceeding forty Pounds, *ſix Pence* per Pound.
Above forty Pounds, not exceeding one Hundred Pounds, *three Pence* per Pound; For whatſoever it exceeds one Hundred Pound, *two Pence* per Pound, beſides *four Pence* per Mile for travel Home.
Every Trial, *one Shilling*. 00 01 00
Every Precept for chooſing of Repreſentatives, *two Shillings*, to be paid out of the County Aſſeſment. 00 02 00

## Cryers Fees.

FOR calling of the Jury, *ſix Pence*. 00 00 06
Every Non-Suit, *twelve Pence*. 00 01 00
Every Verdict, *twelve Pence*. 00 01 00

## Goalers Fees.

FOR turning of the Key upon every Priſoner committed *Five Shillings, viz.* Commitment *2 s. 6 d.* Diſcharge *2 s. 6 d.* 00 05 00
For Diet for each Priſoner *two Shillings and ſix Pence* per Week, and ſo proportionable, he finding the ſame. 00 02 06

Penalty for taking exceſſive Fees.

**And be it further enacted by the Authority aforeſaid**, That what Officer ſoever ſhall aſk, demand and take any greater or other Fees than are beforementioned for the Matters aforeſaid or any of them, and be thereof duly convicted in any Court of Record within this Province, ſhall forfeit and pay the Sum of *Ten Pounds* current Money; one Moiety whereof to be unto our Sovereign Lord and Lady, the King and Queen, their Heirs and Succeſſors, for and towards the Support of the Government of this their Province, and the contingent Charges thereof; and the other Moiety unto the Informer, or him that ſhall ſue for the ſame in any Court of Record; wherein no Aſſoign, Protection, or Wager of Law ſhall be allowed. And ſhall further pay unto the Party grieved, double the Value of the exceſſive Fees ſo taken.

## CHAP. XIX.

## An Act for aſcertaining the Number, and regulating the Houſe of Repreſentatives.

Preamble.

*WHEREAS their Majeſties have been graciouſly pleaſed by their Royal* CHARTER, *to grant Power unto the Great and General Court or Aſſembly of their Province of the* Maſſachuſetts-Bay; *from time to time to direct, appoint, and declare what Number of Repreſentatives each County, Town or Place ſhall elect and depute, to ſerve for and repreſent them reſpectively, in the ſaid Aſſembly:*

Be

Be it therefore enacted and ordained by his Excellency the Governour, Council and Representatives now in General Court assembled, and by the Authority of the same, That henceforth every Town within this Province consisting of the Number of forty Freeholders, and other Inhabitants qualified by Charter to Elect, shall and hereby are injoined to choose and send one Freeholder as their Representative; and every Town consisting of the Number of one Hundred and twenty Freeholders and other Inhabitants, qualified as aforesaid, or upwards, may send two such Representatives; and each Town of the Number of thirty Freeholders, and other Inhabitants qualified as aforesaid, or upwards, under forty, are at Liberty to send One or not; but may choose and send one Representative, if they think fit, to serve for and represent them respectively in every Session of the Great and General Court or Assembly from time to time. And all Towns under thirty Freeholders, may send one to represent them, or join with the next Town in the Choice of their Representatives, they paying a proportionable Part of the Charge. And no Town, shall at any time send more than two Representatives, except *Boston*, who are hereby granted to choose and send Four.

4 *G.* 2 ca. 7. Towns consisting of one Hundred and twenty Families or upwards, may send two Representatives. *Boston* four.

And be it further enacted by the Authority aforesaid, That when and so often as His Excellency the Governour shall see Cause to convene and hold a Great and General Court or Assembly, Writs shall issue out from the Secretary's Office under the Seal of the Province, and signed by the Governour, thirty Days at least, before the Time appointed for such Assembly's Meeting, directed unto the Sheriffs of the several Counties. And where there is no Sheriff in any County or Place, there to be directed to the Marshal, commanding each of them respectively to send his Precepts to the Select-Men of the several and respective Towns within such County, to assemble and call together the Freeholders and other Inhabitants qualified as aforesaid, to choose and elect one or more Freeholders, as the Number in each Town is more or less, as above, to serve for and represent them in such Great and General Court or Assembly: The major Part of the Select-Men in each Town respectively, to be present at such Meeting, and to give Directions for the regular and orderly carrying on of the same: Who are to return the said Precept with the Names of such as shall be chosen by the major Part of the Electors present as such Meeting, under their Hands unto the respective Sheriffs or Marshals, by them to be returned into the Secretary's Office, one Day at the least before the Time prefixed for the said Court or Assembly's sitting.

Writs for calling a General Assembly to issue 30 Days before.

Select-Men to regulate the Meeting.

And it is further enacted by the Authority aforesaid, That the Representatives assembled in any Great and General Court, shall be the sole Judges of the Elections and Qualifications of their own Members; and may from time to time settle, order and purge their House, and make such necessary Orders for the due Regulation thereof, as they shall see Occasion. And forty Representatives at any time so assembled, shall be accounted a Number sufficient to constitute a House, pass Bills, and to transact and do any Business proper to be done in that House; and such Acts to be esteemed valid and of Effect.

House of Representatives Judges of Elections, &c.

40 Representatives constitute a House.

And be it further enacted by the Authority aforesaid, That each Town respectively shall pay unto their several Representatives, during their Attendance on the Court, and for the necessary time expended in their journeying to and from thence; *three Shillings* in Money *per Diem*, within one Month next after the End of each Session commencing from his Excellency's Arrival.

Representatives Allowance enlarg'd. 13 *A.* ca 2.

And it is further enacted by the Authority aforesaid, That every Person chosen to serve for, and represent any Town in the General Assembly, and accepting thereof, shall give his constant Attendance, during their Sessions, on Pain of forfeiting the Sum of *Five Shillings per Diem* for his Neglect; (without just excuse made and allowed of by the House of Representatives) to be paid unto the Clerk of the said House, and is to be disposed of and employed as the House shall direct; and in Default of Payment to be levied by Distress upon such Delinquents Goods, by Warrant from the said Clerk, by Order of the House, directed to the Sheriff of the County, his Under-Sheriff or Deputy, or Constable of the Town where such Representative shall

Penalty for Non-Attendance. 5 *W.* & *M.* ca. 11.

Not to depart without Leave of the Speaker & the House.

depart or absent himself from the General Assembly, until the same be fully finished, adjourned or prorogued; without the Licence of the Speaker and Representatives assembled, to be entred upon Record in the Clerk's Book, on Pain to every one so departing or absenting himself in any other Manner, to lose his Wages. And the Inhabitants of such Town for which he serves, shall be clearly discharged of the said Wages against such Person, and his Executors forever.

No Representative or his Servant to be Arrested, &c. during the Session. 3 *A.* ca. 1.

And it is further enacted by the Authority aforesaid, That no Member of the General Assembly, or his Servant during the time of their Sessions, or going to and from thence shall be arrested, sued, imprisoned, or any ways molested or troubled, or compelled to make Answer to any Suit, Bill, Plaint or Declaration, or otherwise: Cases of High-Treason and Felony excepted.

# Acts and Laws,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay*, in *New-England*, begun and held at *Boston* the eighth of *June*, 1692. and continued by several Adjournments unto the eighth Day of *February*, following.

## CHAP. XX.

## An Act for the explaining and altering of some Clauses, and Sentences; and the Repealing of some others, contained in several Acts made and passed at the second Session of this Court in *October* last, 1692.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and it is enacted and declared by the Authority of the same, *That whereas in the Act Intituled*, An Act for the Setling and Distribution of the Estates of Intestates; *Amongst other Things thereby enacted and provided, there is a Saving to the Party aggrieved at any Order, Sentence or Decree, made for the Settlement and Distribution of any Intestate Estate, their Right of Appeal unto the Governour and Council:*

Appeals from the Judge of Probate enlarged. 4 *W. & M.* ca. 2.

It is now declared and enacted, That such Right of Appeal, shall to all Intents and Purposes, extend and be taken and construed to extend, as well to any other Order, Sentence, Decree or Denial, that shall at any time be made and given by the Judge of Probate, referring to the Approbation and Allowance of any Will, Grant of Administration, or other Matter: any thing in said Act to the contrary notwithstanding.

Guardians to be allowed by the Judge of Probate. 6 *G.* ca. 3.

And further it is enacted and declared, That the Judge of Probate in each County respectively, when and so often as there shall be Occasion; be, and hereby is impowered, to allow of Guardians that shall be chosen by Minors of fourteen Years of Age, and to appoint Guardians for such as shall be within that Age; taking sufficient Security of all such Guardians for the faithful Discharge of their Trust, according to Law: And to Accompt either to the Judge or Minor, when such Minor shall arrive at full Age, or at such other Time as the Judge, upon Complaint to him made, shall see Cause.

*And whereas in one other Act, Intituled*, An Act for Affirming of former Judgments, and providing for Executions; *Amongst other Things thereby enacted, it is provided, that Appeals then depending, having not been heard, shall be heard and tried at the first Superiour Court:*

It is hereby explained and declared, To be understood and intended, and shall be construed to intend, the first Superiour Court to sit within or for that County where the Action was originally and first tried.

*And*

*And for further Explanation and an Addition to the Section or Paragraph of said last mentioned Act, wherein Provision is made, that a* Scire Facias *do issue forth upon any Jugdment passed in any County Court or Court of Commissioners:*

It is hereby declared, To extend, and shall be construed and taken to extend as well to any Judgment passed in any Court of Assistants, Superiour or Inferiour Court, at any Time whatsoever; where Execution has not been taken out or not levied for satisfying of the same, such Writ of *Scire Facias* to be granted out of the Clerks Office of the Superiour or Inferiour Court respectively to be held within or for the same County, where such Judgment was given.

*And whereas by the Precedent or Form for an Execution, the Officer is commanded for want of Goods, Chattels or Lands of the Debtor, to be by him shewn or found within the Precinct, to take the Body of such Debtor and commit him to Prison:*

Judgments to be satisfyed in Specie.

It is hereby explained, enacted and declared by the Authority aforesaid, That where Judgment is granted for Money, or any particular Specie, the Creditor shall not be compelled to take any other Specie; but in every such Case, for want thereof, the Officer shall take the Body of the Debtor, in Execution, and imprison him; unless such Creditor shall be content to receive his Satisfaction in such other Estate as may be tendred or found. And these Words, *To the Acceptance of the said* A. B. shall be supplied and inserted in the Writ of Execution, to follow next the Word *Precinct*.

Writs to run through the Province. 11 *W.* ca. 2.

And be it further enacted and declared by the Authority aforesaid, That as well Original as Judicial Writs issuing out of the Clerks Office, of the Inferiour Courts of Judicature respectively, shall run into any County within this Province, and be there Executed by the Officer or Officers of such County to whom they are directed.

Prohibition of Mackrel being caught before the first of *July* Repealed. 4 *W.* & *M.* ca. 15.

And be it further enacted and declared, That the Clause in the Act Intituled *An Act for the Regulating and Encouragement of Fishery*, That henceforth no Mackrel shall be caught (except for spending whilst fresh) before the first of *July* annually, be, and hereby is fully Repealed and made void; any thing therein to the contrary notwithstanding.

*And whereas by one other Act, Intituled* An Act for the Settlement and Support of Ministers and School Masters, *amongst other things therein enacted:*

Repeal of the Paragraph in the Act for Settlement of Ministers. 4 *W.* & *M.* ca. 11.

It is ordained, 'That every Minister being a Person of good Conversation, 'Able, Learned and Orthodox, that shall be chosen by the major Part of the 'Inhabitants in any Town, at a Town Meeting duly warned for that Purpose; '(Notice thereof being given to the Inhabitants fifteen Days before the Time for 'such Meeting) shall be the Minister of such Town, and the whole Town shall 'be obliged to pay towards his Settlement and Maintenance; each Man his 'several Proportion thereof.' *Upon further Consideration of the said Section or Paragraph in said Act, and the Impracticableness of the Method therein proposed for the Choice of a Minister, in divers Towns, wherein there are more Churches than one, and Inconveniencies attending the same not so well before seen;*

It is enacted and declared, That the before re-cited *Section or Paragraph*, and all and every the Clauses therein contained, shall from henceforth be Repealed and Revoked, and are hereby Repealed and utterly made void for ever, any thing in the said Act to the contrary notwithstanding.

Ministers how to be Chosen.

And it is further declared and ordained, That the Paragraphs and Sections hereafter following, Be enacted, and by the Authority aforesaid are enacted, in Addition to the remaining Part of said Act relating to Ministers: *That is to say*, That each respective gathered Church in any Town or Place within this Province, that at any time shall be in want of a Minister, such Church shall have Power according to the Directions given in the Word of God, to choose their own Minister.

And the major Part of such Inhabitants as do there usually attend on the publick Worship of God, and are by Law duly qualified for Voting in Town Affairs, concurring with the Churches Act, the Person thus elected and approved, accepting thereof, settling with them, shall be the Minister, towards whose 4 *G.* ca. 1.

Settlement and Maintenance, all the Inhabitants and rateable Eſtates lying within ſuch Town, or Part of a Town, or Place limitted by Law for upholding the publick Worſhip of God, ſhall be obliged to pay in Proportion.

*Provided*, That nothing herein contained is intended or ſhall be conſtrued to extend to abridge the Inhabitants of *Boſton* of their accuſtomed Way and Practice as to the Choice and Maintenance of their Miniſters.

7 *W.* ca. 9. Advice of Neighbouring Miniſters to be had.

**Be it further enacted**, That in ſuch Towns or Places where there is no Church gathered, the rateable Inhabitants of ſuch Town or Place, at a Meeting duly warned for that Purpoſe (Notice thereof being given fifteen Days before the Time of ſuch Meeting) by the major Vote of ſuch Aſſembly then and there met, with the Advice of three Neighbouring ordained Miniſters, ſhall chooſe and call an Orthodox, Learned and Pious Perſon to diſpenſe the Word of God unto them. To the Settlement and Maintenance of which Miniſter, all rateable Eſtates and Inhabitants within ſuch Town or Place ſhall be aſſeſſed, and pay porportionably.

Seſſions of the Peace to provide Remedy in Caſe of Neglect of Maintenance of the Miniſtry. 1 *A.* ca. 3.

**And it is further enacted by the Authority aforeſaid**, That where any Town or Place ſhall be negligent of their Duty by Law required, reſpecting the Maintenance of the Miniſtry, the Court of Quarter Seſſions of the Peace within the ſame County, upon Complaint to them made, are impowered and required effectually to provide for Remedy thereof, and by Warrant from ſaid Court, to convent before them the Select-men, or others ſpecially appointed by the Inhabitants of ſuch Town or Place to take Care in that Matter, (having accepted ſuch Betruſtment;) and upon Conviction of Neglect therein, to impoſe a Fine upon the Delinquents not exceeding *Forty Shillings* each Perſon for the firſt Offence: And upon a ſecond Conviction of ſuch Neglect, to impoſe a Fine of *Four Pounds* upon each Perſon, and the like Sum of *Four Pounds* for every after Conviction: Such Fines to be levied by Diſtreſs and Sale of the Offenders Goods, returning the Over-plus (if any be), and to be diſpoſed to the Uſe of the Poor of the ſame Town or Place, by the Select-men, or Overſeers of the Poor.

## CHAP. XXI.

## An Act for the Regiſtring of Births and Deaths.

*FOR preventing of great Uncertainty and Inconvenience that may happen, for want of a particular Regiſter of Births and Deaths:*

Town Clerks to Regiſter Births and Deaths.

**Be it enacted by the Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame**, That every Town-Clerk within this Province, ſhall be, and is hereby impowered and required, to take an Account of all Perſons that ſhall be born or ſhall die, within each Town reſpectively, and the Precincts thereof; and fairly to Regiſter in a Book, their Names and Sirnames, as alſo the Names and Sirnames of their Parents, with the Time of their Birth and Death. And the Clerk ſhall demand and receive the Fee of *three Pence*, and no more, for each Birth or Death by him ſo Regiſtred; to be paid by the Parents, or others nextly related to, or concerned with the Party born or dying. And if any ſhall refuſe or neglect to give Notice to the Town-Clerk of the Birth or Death of any Perſon that they are ſo related to or concerned for; or to pay for Regiſtring as aboveſaid, by the ſpace of thirty Days next after ſuch Birth or Death: Every Perſon ſo refuſing or neglecting, and being (upon the Complaint of any Town-Clerk) thereof convicted before a Juſtice of Peace within the ſame County, ſhall forfeit and pay unto ſuch Clerk, the Sum of *Five Shillings*; to be levied by Diſtreſs and Sale of the Offenders Goods, by Warrant from ſuch Juſtice; if Payment thereof be not made within four Days next after Conviction as aforeſaid. And every Town-Clerk ſhall give forth from the Regiſtry a fair Certificate under his Hand of Perſons born or dying in the Town, to any who ſhall deſire the ſame; and he ſhall receive *ſix Pence* and no more for every Certificate ſo given.

# Acts and Laws,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England*, begun and held at *Boston* the thirty-first Day of *May*, 1693.

## CHAP. I.

## An Act for the Restraining the taking excessive Usury.

Preamble.

*FORASMUCH as the Abatement of Interest hath always been found beneficial to the Advancement of Trade, and Improvement of Lands by good Husbandry; and whereas the taking of eight in the Hundred for the Interest of Money, tends to the great Discouragement of Ingenuity and Industry in the Husbandry, Trade, and Commerce of this Province:*

Be it for the Reasons aforesaid, enacted by the Governour, Council and Representatives, convened in General Assembly, and it is enacted by the Authority of the same, That no Person or Persons whatsoever, from and after the first Day of *August*, in the Year of our Lord, one Thousand six Hundred ninety three; upon any Contract to be made after that time, shall take directly or indirectly, for Loan of any Monies, Wares, Merchandize, or other Commodities whatsoever, above the Value of *six Pounds* for the Forbearance of one Hundred Pounds for a Year; and so after that Rate for a greater or lesser Sum, or for a longer or shorter time. And that all Bonds, Contracts, Mortgages and Assurances whatsoever, made after the Time aforesaid for the Payment of any Principal or Money lent, or Convenanted to be lent, upon or for Usury, whereupon or whereby there shall be reserved, or taken above the Rate of *six Pounds* in the Hundred as aforesaid, shall be utterly void; and that all and every Person and Persons whatsoever, which shall after the time aforesaid upon any Contract, take, accept and receive by Way or Means of any corrupt Bargain, Loan, Exchange, or by Covin, or deceitful Conveyance, or by any other Way or Means whatsoever, for the forbearing or giving Day of Payment for one whole Year, of and for their Money, or other Thing or Things, above the Sum of *six Pounds* for the forbearing of one hundred Pounds for a Year; and so after that Rate for a greater or lesser Sum, or for a longer or shorter time; shall forfeit and lose for every such Offence the full Value of the Goods and Monies, or other Things so lent, exchanged, bargained, sold, or agreed for; one Moiety thereof to their Majesties, towards the Support of the Government of this Province, and the contingent Charges thereof; the other Moiety to the Informer that shall sue for the same; any Custom, Usage or Law to the contrary notwithstanding.

Six Pound *per Cent.* Interest *per Annum* for Loan of Money.

Penalty for contracting for more.

*Provided*, Nothing in this Act shall extend to the letting of Cattle, or other Usages of like Nature, in Practice amongst Farmers, or Maritime Contracts among Merchants, as Bottomry, or Course of Exchange, as hath been heretofore accustomed.

A saving.

## CHAP. II.

## An Act for encouraging the killing of Wolves.

Be it enacted by the Governour, Council and Representatives, convened in General Assembly, and by the Authority of the same, That whosoever hath since the fourteenth Day of *May*, one Thousand six Hundred ninety and two; or shall hereafter, kill any grown Wolf within this Province, and bring the Head thereof unto the Constable of the Town in which such Wolf shall be killed, or to the Constable of the Town next Adjacent unto the Place of killing such Wolf, without the Bounds of any Township; shall have

Wolves to be paid for out of the Town Stock.

7 *W.* ca. 5. 2 *G.* ca. 3. 7 *G.* ca. 3.

have a Receipt of the Constable for the same, and the Constable shall cut off both the Ears from such Head; and the Party producing the Constables Receipt unto the Select-Men of the said Town, or some one of them, shall be allowed and paid out of the Town's Stock, the Sum of *twenty Shillings* for every Head as aforesaid of a grown Wolf by him kill'd, and the Sum of *Five Shillings* for every Wolf's Whelp.

*And the better to furnish the Select-Men with a Stock sufficient to answer such Payments*:

Select men to assess their Town yearly for this Occasion, to be reimbursed out of the publick Treasury.

**It is further enacted by the Authority aforesaid**, That the Select-Men of each Town respectively, shall be and hereby are sufficiently authorized and impowered to assess the Inhabitants of their Town yearly, in due Proportion as near as they can, such Sum and Sums as they shall judge necessary to serve that Occasion, together with other Charges of the Town, and to cause the same to be collected in manner as is by Law directed for the gathering of Town Rates; And all such Sum and Sums of Money so paid out of any Town Stock, for the killing of Wolves (the same being made to appear,) shall be allowed unto such Town by the General Treasurer of the Province, out of the publick Revenue.

---

# Acts and Laws,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England*, begun and held at *Boston* the thirty-first Day of *May*, 1693. And continued by Adjournment unto the sixth Day of *July* following.

---

## CHAP. III.

## An Act for the Partition of Lands, &c. and the Recovery of Legacies at the Common Law.

Partition of Lands betwixt Coparceners, &c. to be forced by the common Law. 4 *W.* & *M.* ca. 13. 13 *G.* ca. 5. 1 *G.* 2. ca. 1. 17 *G.* 2. ca. 2.

**Be it enacted by the Governour, Council and Representatives, convened in General Court, and by the Authority of the same**, That all Persons having or holding, or that hereafter shall have or hold, any Lands Tenements or Hereditaments, as Coparceners, joint Tenants, or Tenants in Common, may be compelled by Writ of Partition at the common Law to divide the same; where the Parties cannot agree to make Partition thereof by themselves.

*Provided*, This Act shall not be understood to repeal, or any ways alter any Clause or Clauses in the Act, *For Regulating of Townships*, referring to undivided or common Lands.

Legacies to be recovered at the common Law.

**And it is further enacted by the Authority aforesaid**, That where any certain Legacy is or shall be bequeathed and given to any Person in his or her last Will and Testament; As also where any residuary or uncertain Legacy is, or shall by the Accompt of any Executor be reduced to a Certainty; every such Legacy and Legacies as aforesaid, may be sued for, and recovered at the common Law; any Law Custom or Usage to the contrary notwithstanding.

---

## CHAP. IV.

## An Additional Act for the Punishing of Criminal Offences.

Preamble.

*WHEREAS the breach of sundry Criminal Laws of this Province, is only punishable by Fines, and many Times the Breakers of them have not Money to satisfy the same:*

**Be it therefore enacted by the Governour, Council and Representatives, convened in General Assembly, and by the Authority of the same**, That hence-forward it shall be in the Power of any Justice of the Peace, that shall

shall have Cognizance thereof, to punish Breakers of the Peace, Prophaners of the Sabbath, and unlawful Gamesters, Drunkards, or prophane Swearers or Cursers, by setting in the Stocks, or putting into the Cage, not exceeding three Hours, or Imprisonment twenty four Hours, or by Whipping, not exceeding ten Stripes, as the Case may deserve; and where the Offender has not wherewithal to satisfy the Law in that Case provided.

4 *W. & M.* ca. 6. Criminal Offences to be punished by sitting in the Stocks, &c. where the Offenders cannot otherwise satisfy the Law.

# Acts and Laws,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England*, begun and held at *Boston* the eighth Day of *November*, 1693.

## CHAP. V.

## An Act relating to Sureties upon mean Process in Civil Actions.

BE it enacted by the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, it is ordered and enacted, That where Bail is given upon mean Process in any Civil Action, not only for the Appearance of the Party to answer the Suit, but also to abide the Order or Judgment of the Court that shall be given thereon; every such Surety or Sureties shall be obliged to satisfy the Judgment in Case of the Principals Avoidance, and the return of *Non est Inventus* upon the Execution; unless the Surety at the Time of entring up Judgment do bring the Principal into Court and move to be discharged; upon which the Court shall order the Keeper of the Prison to receive him into Custody, that so his Body may be taken in Execution. And the Party for whom the Judgment was given, may have a Writ of *Scire Facias* out of the same Court against such Surety or Sureties; and in Case no just Cause be shewn to the contrary, the Judgment shall be affirmed against the Surety or Sureties with the additional Costs of Suit; and Execution shall be accordingly granted.

Additional Act. 4 *A.* ca. 3. 2 *G.* ca. 18.

*Always Provided*, That such Writ of *Scire Facias* be taken out and served upon the Surety within twelve Months after the first Trial, and not afterward: And every Surety of whom such Recovery is made, may bring his Action for Damages against the principal Debtor.

## CHAP. VI.

## An Act for passing of Sheriffs Accompts.

BE it enacted by the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That every Clerk of the Peace in each County within this Province and Clerk of Assize, shall deliver unto the Sheriff of the County a perfect Estreat of all Fines, Issues, Amerciament, Recognizances, Monies and Forfeitures imposed, set lost or forfeited in any Sessions of the Peace, Court of Assize and General Goal Delivery, or special Court of *Oyer* and *Terminer*, by any Person, due to their Majesties within the Space of thirty Days next after the ending of the said Courts respectively; and within the said Time shall deliver unto the Treasurer and Receiver General of the said Province, a perfect *Schedule* of all such Estreats by him delivered to the Sheriff; on pain of forfeiting to their Majesties for the Support of the Government, the Sum of *Five Pounds* for each Neglect, upon Conviction thereof before the Justices of the same Court.

12 & 13 *W.* ca. 8.

And the Justices of each of the said Courts respectively are hereby impowred to audit, examine and adjust the said Accompts of the Sheriff, and upon Payment of what shall be found remaining due thereupon, to grant the Sheriff a *Quietus est*.

And

And whenſoever any Sheriff upon paſſing his Accompts ſhall have his *Quietus eſt*, he ſhall be thereby abſolutely diſcharged of all Sums of Money by him levied and received, and pretended not to be accompted for within the ſaid Accompt, whereupon he had his *Quietus*; unleſs ſuch Sheriff ſhall be called in Queſtion for ſuch Sum or Sums of Money ſo pretended to be levied within two Years after the Time of ſuch Accompt and *Quietus*.

## CHAP. VII.

## An Act for Regulating of the Militia.

Preamble.

*WHEREAS for the Honour and Service of their Majeſties, and for the Security of this their Province againſt any Violence or Invaſion whatever; it is neceſſary that due Care be taken that the Inhabitants thereof be armed, trained, and in a ſuitable Poſture and Readineſs for the Ends aforeſaid; and that every Perſon may know his Duty and be obliged to perform the ſame:*

Be it therefore enacted by his Excellency the Governour, Council and Repreſentatives, in General Court aſſembled, and it is ordained and enacted by the Authority of the ſame,

Perſons liable to Train.

1. That all Male Perſons from *ſixteen* Years of Age, to *ſixty*, (other than ſuch as are herein after excepted) ſhall bear Arms, and duly attend all Muſters and Military Exerciſes of the reſpective Troops and Companies where they are liſted or belong; allowing three Months Time to every Son next after his coming to *ſixteen* Years of Age; and every Servant ſo long, after his Time is out; to provide themſelves with Arms and Ammunition, *&c.*

Clerk to take a Liſt four times a Year.

2. And the Clerk of each Troop and Company once a Quarter yearly, ſhall take an exact Liſt of all Perſons living within the Precincts of ſuch Troop or Company, and preſent the ſame to the Captain or chief Officer, on pain of forfeiting *forty Shillings* for each Default, to be paid to the Captain or chief Officer to the Uſe of the Company. And in Caſe of Non-Payment, to be levied by Diſtreſs and Sale of the Offenders Goods, by vertue of a Warrant from the Captain or chief Officer; who is hereby impowred to grant the ſame.

Perſons to attend Duty where liſted till orderly diſmiſs'd.

3. That every Perſon liſted in any Troop or Company ſhall ſo continue and attend all Duty in ſuch Troop or Company; or otherwiſe ſuffer the Penalty by Law provided; until orderly diſmiſs'd or removed out of the Town or Precinct. And in Caſe of removal into the Precinct of another Company in the ſame Town, to produce a Certificate under the Hand of the Captain or chief Officer of the Precinct whereto he is removed, that he is liſted there.

Penalty on ſuch as ſhall ſhift to avoid liſting.

4. If any Perſon liable to be liſted as aforeſaid, do exempt himſelf by ſhifting from Houſe to Houſe, or Place to Place, to avoid being ſo liſted; he ſhall pay as a Fine for every ſuch Offence, to the Uſe of the Company to which he belongs, *Ten Shillings*, being convicted before any Juſtice of the Peace of the County.

Foot Soldiers how to be armed. 11 *A.* ca. 4.

5. That every liſted Soldier and other Houſholder (except Troopers) ſhall be always provided with a well fix'd Firelock, Muſket, of Muſket or Baſtard Muſket bore, the Barrel not leſs than three Foot and a half long; or other good Fire Arms to the Satisfaction of the Commiſſion Officers of the Company; a Snapſack, a Collar with twelve Bandaliers, or Cartouch-Box; one Pound of good Powder, twenty Bullets fit for his Gun; and twelve Flints; a good Sword or Cutlaſh, a Worm and Priming-Wire fit for his Gun: On Penalty of *ſix Shillings* for want of ſuch Arms as is hereby required, and *two Shillings* for each other Defect, and the like Sum for every four Weeks he ſhall remain unprovided: The Fines to be paid by Parents for their Sons under Age, and under their Command; and by Maſters or Heads of Families, for their Servants other than Servants upon Wages.

6. That

6. That every Trooper shall be always provided with a good serviceable Horse of Five Pounds Value, and not less than fourteen Hands high, (the same to be determined by the two Chief Commission Officers) covered with a good Saddle, Bit, Bridle, Holsters, Pectoral and Crooper; and furnished with a Carbine, the Barrel not less than two Foot and half long, with a Belt and Swivel; a Case of good Pistols; with a Sword or Cutlash; a Flask or Cartouch-Box; one Pound of good Powder, three Pounds of sizable Bullets, twenty Flints, and a good pair of Boots and Spurs; on Penalty of *twelve Shillings* for want of such Horse as is hereby ordered, and *three Shillings* a Piece for every other Defect, and the like Sum for every six Weeks he shall remain unprovided: And that each Trooper list his Horse, and shall not dispose thereof without the Consent of his chief Officer; on the Penalty of *Five Pounds*: And for Non-Appearance at the Time and Place appointed for Exercise, every listed Trooper for each Days Neglect, shall pay *ten Shillings* Fine. Troopers, how to be furnished.

7. That there may be two Troops in a Regiment, each of which Troops shall not exceed sixty Men with Officers.

8. That Regimental Musters shall be but once in three Years, (except in *Boston.*) And every Captain or chief Officer of any Company or Troop in any Regiment, shall be obliged on Penalty of *Five Pounds*, to draw forth his Company or Troop, or cause them to be drawn forth four Days annually, and no more, to Exercise them in Motions, the Use of Arms, and shooting at Marks, or other Military Exercises, which every Person liable to Train, having been duly warned, and not appearing and attending the same, shall for each Days Neglect, pay a Fine of *Five Shillings*. Regimental Musters, and Training of particular Companies.

9. That the Commission Officers of any Company or Troop, or the major Part of them, may order the correcting and punishing Disorders and Contempt on a training Day, or on a Watch; the Punishment not being greater than laying Neck and Heels, riding the Wooden Horse, or *ten Shillings* Fine. Commission Officers Power.

10. That there be Military Watches appointed and kept in every Town at such Times, in such Places, and in such Numbers, and under such Regulation as the chief Military Officers of each Town shall appoint, or as they may receive Orders from the chief Officer of the Regiment: And that all Persons able of Body, or that are of Estate (and not exempted by Law) shall by themselves or some meet Person in their Stead, to the Acceptance of the Commander of the Watch, attend the same; on Penalty of *Five Shillings* for each Defect; there having been due Warning given. Military Watches. 11 *W.* ca. 8. 11 *A.* ca. 6.

11. Every Soldier or other Person liable by Law, refusing or neglecting to attend Military Exercises, on training Days, or Military Watches; that shall not pay, or have no Estate to be found whereon to levy the Fine; it shall be in the Power of the Captain, or chief Officers of such Company on the next training Day after such Neglect (he not having satisfied the Clerk) to punish him for such Offence, by laying Neck and Heels, or riding the Wooden Horse, not exceeding one Hour's time; And if such Delinquent shall absent himself the second training Day, without giving sufficient Reason to the Captain, or chief Officer for the same; it shall be in the Power of the chief Officer of the Company to direct a Warrant to the Constable of the Town, requiring him to apprehend such Delinquent, and bring him into the Field; that he may be punish'd according as by this Law is provided: And all Constables are hereby required to execute such Warrant accordingly. Penalty for not attending Military Exercises.

12. That the Persons hereafter named be exempted from all Trainings, *viz.* The *Members of the Council*, the *Representatives* for the time being, the *Secretary*, *Justices of the Peace*, *President*, *Fellows*, *Students*, and *Servants of Harvard College*, exempted by *College-Charter*, *Masters of Art*, *Ministers*, *Elders and Deacons of Churches*, *Sheriffs*, allowed *Physicians*, or *Surgeons*, and profest *School-Masters*, all such as have had Commissions, and served as Field-Officers, or *Captains*, *Lieutenants*, or *Ensigns*, *Coroners*, *Treasurers*, *Attorney-General*, *Deputy Sheriffs*, *Clerks of Courts*, *Constables*, constant *Ferrymen*, and one *Miller* to each *Grist-Mill*, *Officers* employed in and about their Majesties *Revenues*, all *Masters of Vessels* of thirty Tons and upwards, usually employed beyond Persons exempted from Training. 1 *A.* ca. 1.

Sea; and constant *Herdsmen, Lame Persons,* or otherwise disabled in Body (producing Certificate thereof from two able *Surgeons*) *Indians* and *Negroes.*

Persons exempted from Military Watches, &c.

13. That the Persons hereafter named be, and hereby are exempted from Military Watches and Wardings, *viz.* The *Members of the Council, Secretary, Representatives* for the Time being, *President, Fellows, Students of Harvard-College,* and the *Gentlemen belonging to the Troop of the Governour's Guard, Ministers,* and *Elders of Churches,* allowed *Physicians* and *Surgeons, Constables,* constant *Ferrymen,* and one *Miller* to each *Grist Mill.*

11 *W.* ca. 8.

Commission Officers to appoint Serjeants & Corporals.

14. That the Captain and Commission Officers of each Company or Troop shall and hereby are fully impowred to nominate and appoint meet Persons to serve as Serjeants and Corporals in the respective Companies or Troops; and to Displace them, and appoint others in their Room, as they shall see meet.

View of Arms.

15. That twice every Year, or oftner if required, every Captain or chief Officer of each Company or Troop, shall give order for a diligent Inquiry into the State of his Company, and for taking an exact List of the Names of his Soldiers, and Inhabitants within the Limits of his Company, and of the Defects of Arms or otherwise, and Names of the defective Persons; that they may be prosecuted as the Law hath provided, and such Care may be taken as is proper to remedy the same.

How Persons unable to purchase Arms, may be provided.

16. That if any Person who is by Law obliged to provide Arms and Ammunition, cannot purchase the same by such Means as he hath; if he bring to the Clerk of the Company, Corn or other Merchantable Provision, or vendible Goods, so much as by Apprizement of the Clerk and two other Persons mutually chosen, shall be judged of greater Value by one fifth Part than such Arms or Ammunition is of; he thereupon shall be excused from the Penalties for want of Arms and Ammunition, until he can be provided, which the said Clerk shall provide as soon as may be by Sale of such Goods, and render the Overplus to the Party, if any may be: But the Party shall notwithstanding give his personal Attendance upon all Occasions as other Soldiers, until he be supplied, and at such times shall perform any proper Service he may be put upon by the Captain or Chief Officer of the Company he belongs to. But if the Person be judged unable to buy Arms, or to lay down the Value proposed; if he be a single Man, he shall be put out to Service by the two next Justices of the Peace, to earn wherewith to buy Arms and Ammunition. If such Person have a Family and be judged unable by the Captain and major Part of the Select-Men to lay down such Value for the End aforesaid, then he shall be provided for out of the Town Stock, or by Arms procured at the Town's Charge, until such time as he be judged able to provide for himself. And such Arms to be under the Care of the chief Military Officer and the Select-Men of the Town.

How Drums Trumpets, &c. are to be provided.

17. That Drums, Drummers, Trumpets, Trumpeters, Colours and Banners, be by the Commission Officers of each Troop or Company provided at the Charge of the respective Companies and Troops where they are not already provided, and the Fines will not reach to procure the same; and that such as have been imployed as Drummers or Trumpeters, or are fit and capable thereof, being appointed unto such Service by the chief Officer of any Company or Troop, shall attend the Service, on Penalty of *Forty Shillings* Fine: and every Drummer for a Year's Service shall have *Twenty Shillings,* if he find his own Drum; and *Ten Shillings,* if the Captain finds the Drum. And a Trumpeter *Forty Shillings* a Year, if he finds his own Trumpet; and *Twenty Shillings,* if the Captain finds it.

11 *W.* ca. 4.

Penalty for refusing to serve as Clerk.

18. That such meet Person as by the Commission Officers of any Company or Troop shall be appointed Clerk, and shall refuse to serve, shall pay *Forty Shillings* Fine, and another be chosen in his Room, and so until one do accept; Which Person shall be under Oath for the faithful Discharge of his Office, to be administred unto him by a Justice of Peace in the same County, in the Words following,

Oath.

*YOU do swear truly to perform the Office of Clerk of the Military Company under the Command of* A. B. *Captain, to the utmost of your Skill and Power in all Things appertaining to your Office according to Law.* So help you God.

And

And for every Distraint made for any Fine not exceeding *Forty Shillings*, he shall have one Quarter Part for his Pains and Trouble. And for such Fines he may distrain *Ex Officio*; and in distraining shall observe such Rules as the Law hath provided in other Cases; and upon ten Days Notice shall account with and pay to the Captain or chief Officer what Fines he hath received, his own Part being deducted. Allowance & Distress for Fines.

19. The chief Military Officer of each Regiment as often as he shall see Cause, shall require the Captain or chief Officer of each Company in his Regiment to meet at such Time and Place as he shall appoint, and then with them to confer and give in Charge such Orders as shall by them, or major Part of them be judged meet, for the better ordering and settling their several Companies, and for the better promoting of Military Discipline amongst them. And the chief Officer is hereby impowered by his Warrant directed to any Clerk or Officer of his Regiment, to Summon or cause to be brought before them any Offender against the Laws Military, and according to Law to hear and determine all Matters proper for their Cognizance, and to give Sentence, and to grant Mittimus, or Warrants for Distraint to the Clerk of the Company where the Offence is committed; for executing which Warrant, if above *Forty Shillings*, he shall have *ten Shillings* out of the same for his Pains and Trouble therein, and no more. Meeting of the chief Officers of the Regiment. Their Power. 12 *W.* ca. 1.

20. That there be a Stock of Powder and Ammunition in each Town provided, and from time to time as there is need, be renewed by the Select-men; which shall be a Barrel of good Powder, two hundred Weight of Bullets, and three hundred Flints, for every sixty listed Soldiers, and after that Proportion for the listed Soldiers of each Town, whether more or less: Also that the Select-men procure such a Number of Arms, and so much Ammunition as shall be made to appear by the chief Commission Officer of each Company in the several Towns to be needful for the Supply of such Poor as by Law they are to provide for. And such Town as cannot make it appear to the chief Commander of the Regiment that they are thus provided, at or before the first of *May* next, shall pay *Five Pounds* Fine, which shall be distrained by Warrant from the said Officer, directed unto the Constable upon the Select-men of the Town, or any of them; and disposed of for the Use of the said Town towards the Supply of such Stock: And the like Sum for every three Months they shall remain so unprovided. Town Stock of Ammunition, &c. Penalty for being unprovided.

21. And the Select-men where there is not a sufficient Stock of Powder, Arms and Ammunition, and in such Towns where there is need of Watch-Houses, Firing and Candles for their Watches; in such Case the Select-men for so much as is wanting, are to procure or supply what is required or needed as before, and shall make Provision for the same by a Rate, equally and justly laid upon the Inhabitants and Estate in such Towns, and such Rate signed and committed by them to the Constables to collect, who shall, and hereby are required and authorized to collect the same; and for Non-Payment to distrain as for other Rates; And the Money or Pay collected to be brought in to the chief Military Officers and the Select-men of the Town, to be by them improved for the Ends aforesaid. And the Select-men, or so many of them as shall neglect their Duty herein, shall pay *twenty Shillings* Fine, to be paid to the Captain for the Use of the Company, being convict before two Justices of the Peace, who are hereby impowered to convent the Party, and to hear and determine the same, and if need be, to appoint other meet Persons in such Towns under the like Penalties to perform the said Service. Select-Men to make a Rate for buying of Ammunition, &c. in case. Penalty for Neglect.

22. That no Clerk *Ex Officio* make distraint for any Fine until four Days after the Offence committed, that so the Party may have Opportunity to make Excuse, if any he have, why he should not pay the Fine. And every Clerk that neglects or refuses to Account or make Payment, as by this Law is provided, he, by a Warrant from the chief Officer of the Company directed to the Constable, may be distrained on for so much as he hath or should have collected or distrained for. Clerks *Ex Officio*, not to distrain within four Days. Penalty for his neglect to account &c.

23. That all Officers yield Obedience to the Warrants or Commands of their Superiour Officers, on Penalty of *Five Pounds*; to be heard and determined at

Penalty for Officers disobeying their Superiour Officers.

the next Meeting of the chief Officers and Captains of the Regiment; And the Fine to be taken by Diſtreſs and Sale of the Offenders Goods, (returning the Over-plus if any be) by Warrant from the chief Officer of the Regiment, directed to the Clerk of the Company to which ſuch Offender belongs, and to be improved to the Uſe and Benefit of ſuch Company as the Officers ſo met ſhall agree, the r Expences being firſt defrayed out of the ſame.

Alarm.

24. That an Alarm at the Caſtle upon Caſtle-Iſland near *Boſton*, being made upon ſuch Cauſes as are agreeable to Inſtructions to be given by the Governour to the Captain of the Caſtle, ſhall be by putting out two Flaggs and firing of two Guns towards the Town; at which time there ſhall with all poſſible Speed ſuch Numbers be ſent down for their Relief, as the Governour and Captain General, or ſuch Perſon as ſhall be Commander in Chief in his Abſence, ſhall think neceſſary. At any other Place, an Alarm may be made by firing three Guns one after another, or by firing a Beacon, their Drums beating an Alarm, all Perſons being called upon to Arm: upon which all the trained Soldiers, and others capable to bear Arms that are then Reſident in any Town, ſhall forthwith appear, compleat with their Arms and Ammunition according to Law, at the uſual Place of Rendezvous, or where the chief Officers ſhall appoint; there to attend ſuch Commands as ſhall be given for their Majeſties Service, and that on the Penalty of *Five Pounds* Fine, or three Months Impriſonment. The Members of the Council, Juſtices and Sheriffs, to attend upon the Governour, if at or near *Boſton*; and in other Places, to appear and adviſe with the chief Military Officers of the Town, and to be aſſiſting in their Majeſties Service according to their Quality. And ſuch Alarms ſhall at all Times be carried on from Neighbourhood to Neighbourhood, and from Town to Town throughout the Province; and from ſuch Town where the Alarm is made, there ſhall be forthwith diſpatched one or more Horſe-men, to ſignify the Occaſion thereof to the Juſtice of the Peace, chief Military Officer, or Conſtable of the next Town or Towns, which all Perſons are to take Notice of and attend as is before directed; And if the Alarm be made either from a Sea-Port Town, or other Town that lies a Frontier to, or in great Danger of the Enemy, the Captain or Captains of the adjacent Towns, ſhall forthwith go with or ſend ſuch Relief as they ſhall judge meet for the Offence of the Enemy, or Defence of themſelves and Neighbours; but ſo as to be obſervant to any Commands or Orders they may receive from their Superiour Officers. And if any Perſon ſhall wilfully make a falſe Alarm, he ſhall be fined to their Majeſties *Twenty Pounds*, for Support of the Government; or ſuffer ſix Months Impriſonment.

Penalty for not appearing upon an Alarm.

Relief to be ſent to the Frontiers.

Penalty for a falſe Alarm. 12 *W.* ca. 1.

Penalty for Quartering Soldiers, &c. upon Inhabitants.

25. No Officer Military or Civil, or other Perſon, ſhall Quarter or Billet any Soldier or Seaman upon any Inhabitant within this Province, without his Conſent (other than the publick licenſed Houſes) under the Penalty of *one Hundred Pounds*; to be recovered by Action, Bill, Plaint or Information, in any Court of Record; one half to their Majeſties, for the Support of the Government; the other half Part to the Party grieved that ſhall inform and ſue for the ſame. And every ſuch Inhabitant may refuſe to Quarter any Soldier or Seaman notwithſtanding any Order whatſoever.

26. That all Perſons exempted by this Law from Trainings, ſhall notwithſtanding be provided with Arms and Ammunition compleat, upon the ſame Penalty as thoſe that are obliged to train.

Fines & Forfeitures how to be recovered & diſpoſed.

27. All Fines Penalties and Forfeitures ariſing by Virtue of this Act, or any Breach thereof (not otherwiſe diſpoſed of therein) ſhall be for the Uſe of the Regiment, Company, or Troop reſpectively: *That is to ſay*, for procuring and repairing Drums, Trumpets, Colours, Banners, Halberts, paying of Drummers and Trumpeters, or other Charge of the ſaid Company; and the Overplus (if any be) to be laid out in Arms and Ammunition for a Town Stock; and be recovered by Action, Bill, Plaint or Information, in any of their Majeſties Courts of Record.

CHAP.

## CHAP. VIII.

## An Act for High-Ways.

*FOR the better amending and keeping in Repair and Clear, the High-Ways, and common Roads, leading from Town to Town, and Place to Place; and for laying out new High-Ways, and turning old High-Ways where it shall be needful:* Preamble.

BE it enacted by the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That there be Annually chosen two or more Freeholders in each Town respectively within this Province, to be Surveyers of the High-Ways, who shall be Sworn before some Justice of the Peace in the County, diligently and faithfully to perform the said Office for the Year ensuing; which Surveyers shall take Care that all High-Ways, Private-Ways, Causeys and Bridges lying within the Precincts of such Town, be kept in Repair, and amended from time to time, when and so often as shall be needful, at the Charge of such Town (where it is not otherwise settled) that so they may be safe and convenient for Travellers, Teams, and Drovers; And the Surveyers are hereby impowred to cut down, dig up, or remove, as well all sorts of Trees, Bushes, Stones, Fences, Rails, Gates, Inclosures, or other Thing or Things, as may any Way straiten, hurt, hinder or incommode the High Ways: As also to dig for Stone or Gravel, Clay, Marl, Sand or Earth, in any Land not planted or inclosed; and to press any Carriage, Workmen, or other Things fit to be employed in the High-Ways, for such reasonable Satisfaction to the Parties concerned as such Surveyers can agree for; and in case of Disagreement, such as the two next Justices shall appoint. Surveyers of High-Ways to be Chosen and Sworn Annually. 11 G. ca. 3. Their Power.

And the Surveyers shall appoint certain Days for providing Materials and Working in the High-Ways; having respect to the Season of the Year, and the Weather, and giving convenient publick Notice; at which Days all Persons liable to Work, (*That is to say*, from sixteen Years old and upward) by themselves, or other sufficient Persons in their stead, shall attend: And if any Person make Default of attending the said Work, by himself, or other sufficient Person in his stead; or with his Cart and Team, as he shall be appointed; upon Complaint and Proof thereof before the next Justice of Peace, without reasonable Excuse made, and allowed by such Justice, he shall cause to be levied of every such Offenders Goods, the Sum or Penalty of *two Shillings, six Pence*, for each Day's Neglect of Labour, besides the Charge of making Distress; and for Default of their Cart and Team *six Shillings per Diem*, with Charge of Distress as aforesaid. Surveyers to give publick Notice for Working on the High-Ways. Penalty for Non-attendance.

AND further it is enacted by the Authority aforesaid, That where a new High-Way or common Road from Town to Town, or Place to Place shall be wanting, and where old Ways with more Conveniency may be turned or altered; upon Application made to the Justices in Quarter Sessions, within the same County, the said Court may appoint a Committee of two or three sufficient Freeholders of the next Towns, who shall have most Occasion of the said Way, to enquire into the Necessity and Conveniency thereof, and to make their Report thereon; and being judged to be of common Necessity or Conveniency, the Justices of the said Court shall order a Warrant to the Sheriff or his Deputy, to summon a Jury out of the next Towns, to meet at some convenient Day and Place therein mentioned, to View and lay out such High-Ways or Roads, who shall have an Oath administred unto them by a Justice of Peace, to lay out such Way, according to the best of their Skill and Judgment, with most Conveniency to the Publick, and least Prejudice or Damage to any particular Persons; which having done, the Sheriff or his Deputy, is to make Return thereof, at the next Court of Quarter Sessions of the County where the same Way is, as well under his own as the Hands of the Jurors, by whose Oath the same is laid out; to the End the same may be allowed and Recorded, and after known for a publick High-Way. Quarter Sessions to give order for laying out New High-Ways, or altering old ones.

*Provided*,

Damage in Proprieties to be made good.

*Prvided*, That if any Person be thereby damaged in his Propriety or improved Grounds, the Town shall make him reasonable Satisfaction, by the Estimation of those that laid out the same: And if such Person so damaged, find himself aggrieved by any Act or Thing done by the Jury, either in laying of the said Way, or Estimate of his Damages, he may apply unto the Court of Quarter Sessions for Relief, before any Allowance or Determination be made by them; who are hereby impowred to hear and determine the same. But if no sufficient Cause appear for Complaint, he shall pay all Charges arising thereby.

Select-Mens Power to lay out private Ways. 12 *A.* ca. 6.

And be it further enacted, That the Select-Men of each Town respectively, be, and are hereby impowered, by themselves, or others whom they shall appoint; to lay out or cause to be laid out, particular and and private Ways for such Town only, as shall be thought necessary; so as no Damage be done to any particular Person, in his Land or Propriety without due Recompence to be made by the Town; as the Select-Men and the Party interested may agree; or as shall be ordered by the Justices in Quarter Sessions, upon Enquiry into the same, by a Jury to be summoned for that Purpose.

Recompence for Damage

Nusance upon High-Ways to be removed. 10 *W.* ca. 1. 7&8 *G.* 2. ca. 3.

And it is further enacted, That if any Person or Persons shall erect and set up any Gates, Rails or Fence upon or across any High-Way or Country Road, or continue any such to the Annoyance and Incumbrance of the same, (other than such as shall be allowed by the Court of Quarter Sessions within the County) it shall be deemed a common Nusance; and it shall be lawful for any Person or Persons to pull down and remove the same: And if any such Incumbrance be in any particular or private Way, allowed and settled by any Town, upon Complaint thereof made to the next Justice of the Peace, he shall appoint a Committee of two or more discreet and indifferent Persons to view such Incumbrance, and cause the same to be removed: And if any Person be aggrieved at the Removal of any such Gate, Bars or Fence, he shall be heard at the Quarter Sessions within the same County, and upon just Cause shewn, shall be by them relieved.

Damage happning thro' Defects in Ways or Bridges to be made good by the County or Town.

And be it further enacted by the Authority aforesaid, That if through Neglect or not keeping in sufficient Repair any High-Way, Causey, or Bridge; any Person happen to lose his Life in passing any such High-Way, Causey, or Bridge, or lose a Limb, brake a Bone, or receive any Bruise or Breach in any Part of his Body, through any Defect in, or want of necessary Repair of such High-Way, Causey, or Bridge; the County or Town respectively to which of Right it belongs to maintain and keep the same in Repair, having been warned or notified of such Defect and need of Repairs and Amendment thereof, either in Writing under the Hand of two Witnesses, or by Presentment thereof made at the Sessions of the Peace; shall pay unto the Parents, Husband, Wife, Children or next of Kin to any Person so losing his or her Life, the Sum of *one Hundred Pounds*; and for any other Harm as aforesaid, double the Damage sustained thereby; to be ordered and set upon them by the Justices of the same County in Quarter Sessions; who are hereby impowered thereto; and to render like Recompence for any Carriage, Cart, Horse, or other Beast harmed or lost, proportionable to the Damage suffered.

Penalty on Surveyers refusing to accept, or neglecting their Duty.

And if any Person chosen a Surveyer, shall refuse to accept and take his Oath, he shall forfeit *Twenty Shillings*; and having accepted do neglect his Duty, shall forfeit for every Neglect *five Pounds*: The said Forfeitures respectively to be to the Use of the Town; and to be recovered by Complaint before the next Justice of Peace, or at the Sessions of the Peace in the same County.

No Person to be charged above a due Proportion to the High-Ways, either in Labour or Teams.

## CHAP. IX.

## An Act for Regulating of Fences, Cattel, &c.

Preamble.

FOR *the better preventing of Damage in Corn-Fields, and other improved and common Lands, by Horses, Neat Cattle, Sheep or Swine, going at large:*

Be

Be it enacted by the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That in every Town and Peculiar within this Province, there be annually chosen by the Inhabitants thereof (at the time of their Meeting to choose Select-Men and other Town Officers) two or more meet Persons, to be Viewers of Fences; who shall be Sworn before a Justice of Peace to the faithful Discharge of their Office, in the Particulars committed to their Care by this Act: As also two or more Persons for Haywards or Field-Drivers. And that all Fences of four Foot high, being of five Rails, or four that are equivalent, Boards, Stone-Wall, Brooks, Rivers, Ponds or Creecks, equivalent thereto, in the Judgment of the Fence-Viewers, shall be accounted sufficient Fences: And all Fences in common Fields and other Grounds under Improvement, that shall be judged insufficient by the Fence-Viewers, and Notice thereof given to the Party that of Right ought to maintain the same; he shall sufficiently repair and amend all Defects therein within the Space of six Days next after such Notice given him: And in Case of his Neglect, the Fence-Viewers are hereby impowered and ordered forthwith to cause such defective Fence or Fences to be sufficiently made up and repaired; and the Person or Persons to whom it belongs to make good such Fence, shall pay double the Cost and Charge expended for doing of the same. And in case of refusal or neglect to make Payment as aforesaid, by the Space of one Month next after an Account presented, and Demand thereof made; such Fence-Viewers may recover the same by Action, Plaint or Information, to be brought before any Justice of the Peace within the same County, if the Sum exceed not *Forty Shillings*; but if it be above that Sum, then in the Inferiour Court of Common Pleas.

Fence Viewers to be chosen and Sworn.

Haywards or Field-Drivers.

Fences of four Foot high to be accounted sufficient.

Penalty for not repairing insufficient Fence 4 *W. & M.* ca. 13: 10 *W.* ca 4 &9. 2 *G.* ca. 2. 7 & 8 *G.* ca. 3. 12 *G.* ca. 5. 1 *G.* 2. ca. 10. 16 *G.* 2. ca. 5.

How to be recovered.

And it is further enacted by the Authority aforesaid, That no Persons other than Proprietors and Freeholders in any Town or Peculiar, shall let any Horse or Horse-kind run to feed upon any common Land belonging to such Town or Peculiar, and every such Proprietor and Freeholder may keep one Horse-Beast upon the Common, and no more; except such Proprietors and Freeholders, every of whom have a rateable Estate within such Town or Peculiar, of the Value of *Fifty Pounds*, they to have the Privilege of two and no more.

None but Proprietors and Freeholders to have any Horse run to feed on the Common.

And the Owners of all Horse-kind going upon the Common, are required to cause the same to be entered with the Town-Clerk, who is to keep a Book for that Purpose, and therein set down as well the natural as artificial Marks, and for every such Horse or Horse-kind, shall pay a Fee of *Three Pence* to the Clerk for his entry: Such entry to be made at or before the tenth Day of *April* next, and so annually; on Pain that every Person neglecting so to do, shall forfeit and pay the Sum of *ten Shillings* for each Default. And if any Freeholder or Proprietor shall desire to put more Horses upon the Common than is herein before allowed, he shall first repair to the Town Clerk, and make entry of the Number and Marks thereof as aforesaid, and pay the Fee as aforesaid for every such Entry, as also the Sum of *Five Shillings* per Head, per Annum, to the Use of the Proprietors of such Commons, on pain of forfeiting the Sum of *ten Shillings* per Head for such Neglect.

Horses going on the Common, to be entered with the Town Clerk.

And every Town and Peculiar within this Province are required to choose annually two meet Persons to see to the due Observance of this Act relating to Horses, and to prosecute the Breakers thereof: And if any Person so chosen shall refuse to serve, or neglect his Duty in any of the Particulars herein committed to his Care, he shall forfeit and pay the Sum of *twenty Shillings* to the Use of such Town.

Persons to be annually chosen, to see to the observance of this Act.

And the Town Clerk of each Town respectively shall once in the Year give an Account and pay in to the Select-men of the Town, so much as he shall receive by Vertue of this Act for any Horse-kind going upon the Common.

Town Clerk to account annually.

All Penalties and Forfeitures arising for Breach of this Act relating to Horses going upon the Common, shall be one Moiety thereof unto the Use of the Persons to be appointed to see to the Observance of this Act, and the other Moiety to him or them that shall inform and sue for the same, before any Justice of the Peace within the County.

Penalties and Forfeitures how to be disposed.

And

Swine to be yoked and ringed.

And be it further enacted by the Authority aforesaid, That all Swine going at large on the Commons, shall be sufficiently yoked, from the first of *April* to the fifteenth of *October* yearly; and ringed in the Nose all the Year. And if any Swine be found unyoked or unringed, their Owners shall be liable to pay *six Pence per* Head; and if found Damage feasant being unyoked or unringed to pay *Twelve Pence per* Head, over and above double Damages to the Party injured. And the Hayward or Field-Driver or any other Person may take up and impound such Swine.

Fee for impounding.

And that there be paid unto the Hayward or Field-Driver, *one Shilling* per Head for all Neat Cattel or Horses, and *three Pence* per Head for all Sheep and Swine by him impounded: And to the Pound-keeper *two Pence* per Head for all Neat Cattel or Horses, and *one Penny* per Head for all Sheep or Swine, for taking in and letting out, to be paid by the Owners of such Creatures.

Penalty for Sheep going on the Common without a Keeper.

And that for every Sheep in every Town going on the Commons without being under the Hands of a Shepherd, from the first of *May* to the last of *October*, in every Year; the Owners or Keeper of the said Sheep, shall pay the Sum of *three Pence* for every Sheep at any Time so found running on the Common, not under the Hand of a Shepherd or Keeper, betwixt the first of *May*, and last of *October* yearly.

## CHAP. X.

## An Act for Regulation of Seamen.

Preamble.

*WHEREAS great Loss and Damage is frequently occasioned to Trade and Navigation by Seamen deserting their Employ or Voyage they are entered upon; or being taken off from the same, by Arrest and Restraint for Debt, or Pretence thereof:*

For Remedy whereof:

No Mariner or Seaman to be arrested for any Debt made whilst he belongs to a Ship, &c.

**It is declared and enacted by the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That if any Innkeeper, Victualler, Seller of Wine or strong Liquors, Shop-keeper, or any other Person whatsoever, shall trust or give Credit to any Mariner or Seaman belonging to any Ship or other Vessel, without the Knowledge and Allowance of the Master or Commander thereof; no Process or Attachment for any Debt so contracted without Knowledge and Allowance as aforesaid, shall be granted against or served upon such Mariner or Seaman, until he shall have performed the Voyage he is then entered upon, and be discharged of the same: And every Process granted contrary hereunto, and serving thereof, shall be deemed and adjudged utterly void in Law: And any Justice of the Peace within the same County before whom it shall be made appear, that any Mariner or Seaman belonging to any Ship or Vessel, is committed or restrained upon Process granted for any Debt or Pretention of Debt made whilst such Mariner or Seaman was engaged and actually entred and in pay on any Voyage, shall forthwith order his Release.

Penalty on Masters shiping Seamen first entertained on board another Ship, &c.

Seamens Penalty.

**And be it further enacted by the Authority aforesaid,** That if the Master or Commander of any Ship or other Vessel, shall ship any Seaman, knowing him to be first entertained and ship'd on Board another Ship or Vessel, or after Notice thereof given him, shall not forthwith dismiss him; every such Master or Commander so offending, being thereof convicted, shall forfeit and pay the Sum of *Five Pounds*; one Moiety thereof to the Use of the Poor of the Town where the Offence was committed, and the other Moiety to him or them that shall inform and sue for the same, by Action, Bill, Plaint or Information in any Court of Record; and such Seaman so shipping himself, shall forfeit and pay the Value of one Months Wages that he shall so agree for, to be recovered, employed and disposed of in manner as aforesaid.

Seamen deserting their Service to be Imprisoned. 12 *W.* ca. 2.

**And further it is enacted,** That if any Mariner or Seaman having ship'd himself on Board any Ship or other Vessel to proceed in any Voyage, and under pay (the same being made to appear by his Hand set to the Master's Book, or other

other Writing of such Agreement) shall neglect his Attendance and Duty on Board, and absent himself from his said Service, upon Complaint thereof made to any Justice of the Peace within the same County, such Justice is hereby impowered to convent such Mariner or Seaman before him; and upon Conviction of his so absenting himself as aforesaid, to commit him to Prison, that so he may be secured and forth-coming to proceed on the Voyage he has so agreed to, and to be delivered by Order of the Justice that committed him, or some other Justice in the same County.

## CHAP. XI.

## An Act to prevent Default of Appearance of Representatives to serve in the General Assembly.

Preamble.

*WHEREAS there has been a Neglect in some Sheriffs in Observance of their Majesties Writ to them directed, for the convening and holding of a Great and General Court or Assembly, timely to issue forth their Precepts unto the several Towns within their* Bailiwick *or* Precinct, *for the chooſing of Representatives to serve in the Great and General Court or Assembly, and have also not taken due Care to have Returns of their said Precepts. And for-as-much as many Persons elected for Representatives, and having Summons, are not careful to give their Attendance accordingly in due Time; whereby the publick Affairs for their Majesties Service are prejudiced:*

See the Act 4 *W. & M.* ca. 19.

For Remedy whereof:

Sheriffs to make out their Precepts in seven Days after Receipt of their Majesties Writ.

**Be it enacted by the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, it is ordained and enacted,** That every Sheriff upon Receipt of their Majesties Writ for the convening and holding of a Great and General Court or Assembly, shall forthwith make out his Precepts under his Seal in Form as by Law is directed, unto the Select-men of the several Towns within his County, and cause the same to be safely conveyed and delivered unto one or more of such Select-men, within the space of seven Days at furthest next after his Receipt of such Writ as aforesaid; and shall likewise take effectual Care for having his Precepts returned to him again from the said Towns respectively, with what shall be done pursuant thereto, by the Day therein prefixed, and cause the same to be brought in to the Secretary's Office as by Writ he is commanded.

Select-men to cause the Town to be assembled for choice of Representatives.

And the Select-men of each Town upon Receipt of the Sheriff's Precept, shall cause the Freeholders and other Inhabitants of the said Town duly qualified as in the said Precept is mentioned, to be assembled and meet at such Time and Place as the Select-men or the major Part of them shall appoint, to elect and depute one or more Representatives for such Town, as by Law they may, and shall cause the Person or Persons so elected and deputed by the major Part of the Electors present at such Meeting, to be timely notified and summoned by one or more of the Constables of the said Town, to attend their Majesties Service in the Great and General Court or Assembly, upon the Day, and at the Time and Place appointed for holding of the same: And the Select-men or the major Part of them, shall make Return of such Election under their Hands upon the said Precept, or annexed thereto, in Manner and Form as by Law is prescribed; and cause the same to be delivered unto the Sheriff of the County, at or before the Day therein prefixed for return of the same; on Pain that every Sheriff neglecting his Duty in any of the Particulars before mentioned, shall forfeit and pay the Sum of *Fifty Pounds*.

Penalty on Sheriffs for Neglect of Duty.

Penalty on Select men & Constables.

And every Select-man or Constable in any Town neglecting his Duty in any of the Particulars before mentioned, shall incur the Pain and Forfeiture of *Five Pounds*.

Sheriffs Allowance.

And every Sheriff shall be allowed for his Trouble and Charge in sending out his Precepts, *Forty Shillings*, to be paid out of the County Treasury.

Select-mens Allowance.

And the Select-men to be paid by the Town for the Charge of returning their Precept, for which shall be paid *three Pence* a Mile.

Penalty for Representatives Non-attendance the first Day of the Court.

And be it further enacted by the Authority aforesaid, That every Person elected to serve as a Representative for any Town in any Great and General Court or Assembly, and being summoned thereto, shall give his Attendance at the said Court on the first Day appointed for the Court's Sitting (without reasonable and just Excuse for his Absence, being made and allowed of by the House of Representatives), on Pain of forfeiting the Sum of *Forty Shillings*; unless such Person being present at the Election, shall declare unto the Assembly his Non-acceptance of the Service; or upon Notice thereof given him, shall forthwith signify his Non-acceptance unto the Select-men by Writing under his Hand: In which Case, the Select-men shall call the Town together again to elect a-new, that so they may enjoy their Privilege.

Representatives to be Freeholders and Resident.

That not any Town in this Province shall chuse any Representative, unless such be a Freeholder and Resident in that Town or Towns, such are chosen to represent.

Penalty on Persons voting, being not qualified.

And if any Person not duly qualified according to Law, shall presume to vote in the Choice of Representatives, one or more for any Town; or shall put in more than one Vote for any one Person in such Choice, being thereof convicted; he shall forfeit and pay the Sum of *Five Pounds*, one Moiety thereof unto their Majesties for and towards the Support of the Government, and the other Moiety to him or them that shall inform and sue for the same.

All Persons shall put in their Votes unfolded to the Select-men or Constables appointed to receive the same.

Voters questioned, to make Oath.

And that where any Person offering to give in his Votes for Representatives in any Town, shall be questioned by the Select-men of the said Town as to his being capable by Charter to vote; the said Person or Persons giving his or their Oath that they are *bonâ fide* worth *forty Pounds* Sterling, or an Estate of Freehold to the Value of *forty Shillings per Annum*, before a Justice of the Peace or in the Absence of a Justice of the Peace, before the Town Clerk, who is hereby impowered to administer the same, he or they shall be accounted capable of voting, and put in his or their Votes accordingly.

Fines and Forfeitures how to be disposed.

All Fines and Forfeitures arising for Breach of this Act or any Branch thereof, and not otherwise therein before disposed of, shall be unto their Majesties, for and towards the Support of the Government; and be recovered by Action, Bill, Plaint or Information, in any of their Majesties Courts of Record.

# Acts and Laws,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay*, in *New-England*, begun at *Boston* the eighth Day of *November*, 1693. and continued by Adjournment unto the fourteenth Day of *February*, following.

## CHAP. I.

## An Act for the better Rule and Government of the *Indians* in their several Places and Plantations.

10 *W.* ca. 6.
12 *W.* ca. 10.
13 *W.* ca. 21.
2 *A.* ca. 4.
11 *A.* ca. 5.
4 *G* ca 6.
6 *G.* ca. 2.
31 *G.* 2. ca. 3.

*To the Intent that the* Indians *may be forwarded in Civility and Christianity; and that Drunkenness, and other Vices be the more effectually suppressed amongst them:*

Be it enacted and ordained by the Governour, Council and Representatives in General Court assembled, and it is enacted by the Authority of the same, That his Excellency the Governour, by and with the Advice and Consent of the Council, may, and is hereby impowered to appoint

appoint and commissionate one or more discreet Persons within several Parts of this Province, to have the Inspection and more particular Care and Government of the Indians in their respective Plantations; and to have, use, and exercise the Power of a Justice of the Peace over them, in all Matters Civil and Criminal; as well for the hearing and determining of Pleas betwixt Party and Party, and to award Execution thereon; as for the examining, hearing and punishing of criminal Offences, according to the Acts and Laws of the Province, so far as the Power of a Justice of Peace does extend. As also to nominate and appoint Constables, and other proper and necessary Officers amongst them.

Commissioners to be appointed in several Parts, to have the more particular Care and Government of the *Indians*.

And be it further enacted by the Authority aforesaid, That no Person or Persons whosoever, shall directly or indirectly, sell, truck, barter or give to any Indian, any strong Beer, Ale, Cyder, Perry, Wine, Rum, Brandy, or other strong Liquors, by what Name or Names soever called or known; on Pain of forfeiting the Sum of *forty Shillings* for every Pint; and proportionably for any greater or lesser Quantity so sold, truck'd, bartered, given or delivered to any Indian directly or indirectly as aforesaid; upon Conviction thereof before a Justice of the Peace, where the Penalty does not exceed *forty Shillings*; and if it exceed that Sum, at the Sessions of the Peace to be holden for the same County where the Offence is committed: one Moiety of all such Forfeitures to be unto their Majesties, for and towards the Support of the Government; and the other Moiety to him or them that shall inform and prosecute the same, by Bill, Plaint, or Information. And if the Offender be unable, or shall not forthwith pay and satisfy the said Penalty or Forfeiture, then to be committed to the Goal of the County; there to remain until he pay and satisfy the same, or suffer two Months Imprisonment.

Penalty for selling strong Drink to *Indians*.

*Provided*, This Act shall not be intended or extend, to restrain any Act of Charity for relieving any Indian (*bonâ fide*) in any sudden Exigent or Faintness or Sickness, not to exceed one or two Drams; or by Prescription of some Physician in writing, or by the Allowance of a Justice of Peace.

*And for the better Discovery of such ill disposed Persons, who through Greediness of filthy Lucre, shall privately sell, or deliver strong Liquors, or strong Drink, to any* Indian *or* Indians: *(of which it is difficult to obtain positive Evidence, other than the Accusation of such* Indian *or* Indians:) *And to the Intent that Murders, and other Outrages frequently occasioned thereby, may be prevented:*

It is ordained and enacted, That the Accusation and Affirmation of any Indian, with other concurring Circumstances; amounting to an high Presumption in the Discretion of the Court, or Justices; who have Cognizance of the Case; (the Accuser and the Accused being brought Face to Face at the Time of Trial) shall be accounted and held to be a legal Conviction of the Person so accused, of giving, selling or delivering Wine, Rum, or any other strong Drink or Liquors to such Indian; unless the Party accused shall acquit him or herself thereof upon Oath; which the Court or Justice respectively are hereby impowered to require, and administer unto the Person accused, in Form following: *That is to say,*

*Indian* Accusation, with concurring Circumstances, to amount to a Conviction: Unless, &c.

YOU A. B. *do Swear, That neither your self, nor any other by your Order, general or particular, Assent, Privity, Knowledge or Allowance, directly or indirectly, did give, sell or deliver, any Wine, Cyder, Rum or other strong Liquors or Drink, by what Name or Names soever called or known, unto the* Indian *by whom and whereof you are now accused.* So help you GOD.

Form of the Oath.

And further it is enacted, That it shall and may be lawful to and for any Person or Persons to seize any Wines, strong Liquors or Cyder, which he or they may find in the Custody of any Indian, not obtained by Allowance as aforesaid; (other than Cyder made of Fruit of their own Growth) and to deliver the same unto the Constable, or one or more of the Select-men of the Town, where the same shall be seized; to and for the Use of the Poor of such Town; and to apprehend such Indian, and to cause him or her to be conveyed before the next Justice of the Peace, to be examined, where and of whom they had such strong Drink.

Strong Drink found with *Indians*, to be seized.

Penalty for *Indians* convicted of Drunkenneſs.

And every Indian convicted of Drunkenneſs, ſhall ſuffer and pay unto the Uſe of the Poor of the Town or Place where ſuch Offence is committed, the Sum of *five Shillings*; or elſe be openly whipped by the Conſtable of ſuch Town or Place, or ſome other that he ſhall procure, not exceeding ten Laſhes; as the Juſtice of Peace before whom ſuch Conviction is, ſhall determine.

## CHAP. II.

## An Act for the Relief of Idiots and diſtracted Perſons.

Select-men or Overſeers of the Poor, to make neceſſary Proviſion for the Relief of Idiots, and diſtracted Perſons.

Additional Act. 7 *A.* ca. 2. 6 *G.* ca. 3.

Court of Quarter Seſſions to order the Eſtate of ſuch Perſons for Improvement.

The Juſtices of the Superiour Court, to Licence the Sale of Houſing or Land of diſtracted Perſons, in caſe.

BE it enacted by the Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That when and ſo often as it ſhall happen any Perſon to be naturally wanting of Underſtanding, ſo as to be uncapable to provide for him or her ſelf: or by the Providence of God, ſhall fall into Diſtraction, and become *non compos mentis*; and no Relations appear that will undertake the Care of providing for them; or that ſtand in ſo near a Degree as that by Law they may be compelled thereto: In every ſuch Caſe, the Select-Men or Overſeers of the Poor of the Town or Peculiar where ſuch Perſon was born, or is by Law an Inhabitant; be, and hereby are impowered and enjoined to take effectual Care, and make neceſſary Proviſion for the Relief, Support, and Safety of ſuch impotent or diſtracted Perſon, at the Charge of the Town or Place whereto he or ſhe of Right belongs, if the Party has not Eſtate of his or her own, the Incomes whereof may be ſufficient to defray the ſame: And the Juſtices of the Peace within the ſame County, at their General Seſſions, may order and diſpoſe the Eſtate of ſuch impotent or diſtracted Perſon to the beſt Improvement and Advantage towards his or her Support; as alſo the Perſon to any proper Work or Service, he or ſhe may be capable to be employed in; at the Diſcretion of the Select-Men or Overſeers of the Poor. And where the Eſtate of any ſuch Perſon conſiſts of Houſing or Land, in every ſuch Caſe the Juſtices of the Superiour Court of Judicature, upon Application to them made, may, and hereby are impowered to licence and authorize the Select-Men or Overſeers of the Town or Place whereto ſuch Perſon belongs; or ſuch others as the ſaid Juſtices ſhall think fit, to make Sale of ſuch Houſing or Land; the Produce thereof upon Sale to be ſecured, improved and employed to and for the Uſe, Relief and Safety of ſuch impotent or diſtracted Perſon, (as the ſaid Juſtices ſhall direct) as long as ſuch Perſon ſhall live; or until he or ſhe be reſtored to be of ſound Mind. And the over-plus (if any be) to and for the Uſe of the next and right Heirs of ſuch Party.

And the like Power and Authority is hereby granted unto the Juſtices of the Superiour Court, with Reference to any Perſon or Perſons now under Diſtraction, or *non compos mentis*, as well for the ſatisfying of the Charges already paſt, as for what may be future, for the Support, Relief and Safety of any ſuch Perſon.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of the Province of the *Maſſachuſetts-Bay* in *New-England*, begun and held at *Boſton* the thirtieth Day of *May*, 1694.

## CHAP. III.

## An Act for aſcertaining the Fees of the Meſſenger attending the Houſe of Repreſentatives.

BE it enacted and ordained by his Excellency the Governour, Council and Repreſentatives, in General Court aſſembled, and it is enacted by the Authority of the ſame, That there ſhall be paid to the Meſſenger attending upon the Houſe of Repreſentatives for the time being, out of the

the publick Revenue of this their Majesties Province, the Sum of *Three Shillings* per Diem, for every Day that the said Messenger shall attend upon, or be employed in the Service of the said House of Representatives. And further, that the said Messenger shall, and may demand, recover and receive, of all and every Person arrested, imprisoned, or taken into Costody by Warrant from the House of Representatives, *Three Shillings* for the Service of such Warrant of Arrest, with travelling Fees, after the Rate of *three Pence* per Mile out, and also *three Shillings* per Diem, for safe keeping and providing for such Person so apprehended and taken into Custody; and *three Shillings* more upon the Dismission or Release of the Party: Any Law, Custom or Usage to the contrary notwithstanding; except it be a Member of the House that is so sent for, and then the Fees to be paid shall be less as the House shall appoint.

Messengers Fee 3*s. per Diem* See the Temporary Acts. 3*s.* for Service of a Warrant of Arrest. Travelling Fees 3*d* per Mile out. 3*s.* per Diem for each Person in Custody &c.

And it is hereby further declared, That the tarvelling Fees mentioned in the Act for regulating Fees, allowed to Sheriffs, Marshals or Constables, for the Service of Writs, is to be alike understood of *three Pence* per Mile from Home, and no more.

Sheriffs &c. travelling Fees only 3d per Mile out.

## CHAP. IV.

## An Act against Adultery and Polygamie.

*WHEREAS the Violation of the Marriage Covenant is highly provoking to God, and destructive to Families:* Preamble.

Be it therefore enacted by the Governour Council and Representatives in General Court assembled, and by the Authority of the same, That if any Man be found in Bed with another Man's Wife, the Man and Woman so offending, being thereof convicted, shall be severely Whip'd, not exceeding thirty Stripes; unless it appear upon Trial, that one Party was surprized and did not consent; which shall abate the Punishment as to such Party.

And if any Man shall commit Adultery, the Man and Woman that shall be convicted of such Crime before their Majesties Justices of Assize and General Goal Delivery, shall be set upon the Gallows by the space of an Hour, with a Rope about their Neck, and the other End cast over the Gallows; and in the Way from thence to the common Goal, shall be severely Whip'd, not exceeding forty Stripes each: Also every Person and Persons so offending, shall for ever after wear a Capital A of two Inches long, and proportionable bigness, cut out in Cloth of a contrary Colour to their Cloaths, and sewed upon their upper Garments, on the out-side of their Arm, or on their Back, in open View. And if any Person or Persons, having been convicted and sentenced for such Offence, shall at any time be found without their Letter so worn, during their Abode in this Province, they shall by Warrant from a Justice of the Peace, be forthwith apprehended, and ordered to be publickly Whip'd, not exceeding fifteen Stripes; and so from Time to Time, *toties quoties*.

Punishment for Adulterers.

And be it further enacted by the Authority aforesaid, That if any Person and Persons within this their Majesties Province being married, or which hereafter shall marry, do at any Time after the first of *July* in this present Year, *One Thousand six Hundred ninety four*, presume to marry any Person or Persons, the former Husband or Wife being alive; or shall continue to live so married, that then every such Offence shall be Felony; and the Person and Persons so offending shall suffer Death, as in Cases of Felony; And the Party and Parties so offending, shall receive such and the like Proceeding, Trial and Execution, in such County where such Person or Persons shall be apprehended, as if the Offence had been committed in such County where such Person or Persons shall be taken or apprehended.

Polygamie to be punished as Felony.

*Provided always*, That this Act or any thing therein contained, shall not extend to any Person or Persons whose Husband or Wife, shall be continually remaining beyond the Seas, by the space of seven Years together; or whose Husband or Wife shall absent him or her self, the one from the other, by the space

Saving for Persons where Husband or Wife shall be absent seven Years &c. 1o *W.* ca 10.

space of seven Years together in any Part within their Majesties Dominions, or else where; the one of them not knowing the other to be living within that Time.

Saving for Persons divorced, or married within the Age of Consent.

*Provided also*, That this Act or any thing therein contained, shall not extend to any Person or Persons, that are or shall be at the Time of such Marriage divorced by any Sentence had, or hereafter to be had, as the Law of the Province in that Case has provided; or to any Person or Persons, where the former Marriage has been, or hereafter shall be, by such Sentence had, declared to be Void and of no Effect: Nor to any Person or Persons, for or by Reason of any former Marriage had or made, or hereafter to be had or made within the Age of Consent: *That is to say*, The Man fourteen Years of Age, the Woman twelve.

# Acts and Laws,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England*, begun at *Boston* the thirtieth Day of *May*, 1694. And continued by Adjournment unto the sixteenth Day of *October* following.

## CHAP. V.

## An Act to enable Towns, Villages, and Proprietors in Common and Undivided Lands, &c. to sue and be sued.

Preamble.

*WHEREAS amongst other Things in their Majesties Royal Charter for Incorporation of this Province*; *It is contained and granted in these Words following*: That is to say, "*Provided nevertheless*, "And we do for Us, Our Heirs and Successors, grant and ordain, that all and "every such Lands, Tenements and Hereditaments and other Estates, which "any Person or Persons, Bodies Politick or Corporate, Towns, Villages, Colleges "or Schools, Do hold and enjoy, or ought to have, hold and enjoy within the "Bounds aforesaid, by or under any Grant or Estate, duly made or granted by "any General Court formerly held, or by Vertue of the Letters Patent herein "before recited, or by any other lawful Right or Title whatsoever; shall be "by such Person or Persons, Bodies Politick and Corporate, Towns, Villages, "Colleges or Schools, their respective Heirs, Successors and Assigns for ever "hereafter, held and enjoyed according to the Purport and Intent of such res-"pective Grant, &c.

4 *W.* & *M.* ca. 13.

12 *A.* ca. 1.

*And whereas by one Act of the General Court Intituled*, An Act for the Regulating of Townships, &c. *Amongst other Things*, It is enacted, That the Proprietors of the Undivided or Common Lands within each Town or Precinct in this Province, where the same have been heretofore stated, each one's Proportion being known, shall, and hereby are impowred to order, improve or divide in such Way and Manner, as shall be concluded and agreed upon by the major Part of the Interested. And the Proprietors of all Undivided or Common Lands not stated and proportioned as aforesaid, shall and hereby are impowred to manage, improve, divide and dispose of the same, as hath been or shall be concluded and agreed on by the major Part of such Proprietors.

*Now for the better enabling the said Persons, Towns, Villages, Trustees for Schools and Proprietors aforesaid, to maintain, recover and defend their Grants, Lands, Interests, and Estates*:

Persons, Towns, Villages &c. to sue or defend in any Court.

Be it enacted and declared by the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That it shall and may be lawful for all and every the said Persons, Towns, Villages, Precincts, Trustees for Schools and Proprietors in Common and Undivided Lands,

Lands, Grants, and other Estates or Interests whatsoever, to sue, commence and prosecute any Suits or Actions in any Court proper to try the same, either by themselves or their Agents or Attorneys, to be appointed by such as have in them the major Part of the Interest: And in like Manner to defend all such Suits and Actions as shall be commenced against them or any of them.

Towns, Villages, &c. to chuse Agents or Attorneys to prosecute for, or defend them. 2 G. ca. 4.

And further be it enacted by the Authority aforesaid, That all and every Town, Village and Precinct, and Proprietors in Common or Undivided Lands, which shall have Occasion to sue or shall be sued; may at a Meeting of the Inhabitants of such Town, Village or Precinct, or Proprietors aforesaid, orderly warned, by the major Vote of such as shall meet, chuse Agents or Attornies to prosecute for, or defend them, such Choice being certified by the Clerk of such Town, Village, Precinct or Proprietors, or by such other Person as they shall appoint.

How Summons shall be given to oblige Towns, &c. to answer.

And when any Town, Village, Precinct or Proprietors aforesaid, shall be sued, it shall be sufficient Notice to oblige them to appear and answer, to leave a Writ or Summons with their Clerk, or other principal Inhabitant or Proprietor (briefly declaring the Case) fourteen Days before the Sitting of the Court, where the Case is to be heard; as in other Actions is provided.

## CHAP. VI.

## An Act for Regulating Ferries.

Preamble.

*TO the Intent that all Ferries within this Province be duly kept, and constantly attended for the Ends whereunto they are appointed:*

Additional Acts. 8 W. ca. 7. 9 A. ca. 1. 11 A. ca. 3. 4 G. ca. 4. 11 G. ca. 4. 13 G. ca. 1. 27 G. 2. ca. 7.

Be it enacted by the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That henceforth no Person or Persons whatsoever, shall attempt to keep a Ferry (so as to demand Pay) without special Licence first had and obtained from their Majesties Justices in Quarter Sessions of that County where such Ferry is; who are hereby impowred to grant Licences to such Persons as they shall judge meet for that Service, in their respective Counties; and to state the Fare or Prices of each Ferry, both for Man and Beast, according to the Nature and Breadth of such River, or Water they are to pass over; taking Bond of each Ferry-Man for the faithful Discharge of his Place (except such Ferries as are already stated and settled, either by the Court or Towns to whom they appertain): And all Ferry-Men are hereby enjoined to keep a good Boat or Boats in good Repair, suitable to the Waters they are to Ferry over; and also to give ready and due Attendance on Passengers upon all Occasions, on Penalty of *five Shillings* for every Default of Non-Attendance; and for want of a good Boat kept in good Repair to pay *five Pounds*; the one Half to their Majesties for and towards the Support of the Government, the other Half to him or them that shall inform and sue for the same, before a Justice of the Peace or at the Quarter Sessions respectively, besides what Damage may accrue to any Person through the Ferry-Man's Default.

Ferry-men to be Licensed by the Quarter Sessions.

To give Bond.

Penalties for Non-attendance, and not keeping good Boats.

And further it is enacted, That the General Post that is settled for their Majesties, and the Countries Service, be readily dispatched, and set over by all Ferry-Men where they shall come without any Delay. And if any Ferry-Man shall be complained of, and duly convicted before any Justice of the Peace, for delaying any Post, and not forthwith ferrying of him over, he shall forfeit the Sum of *Twenty Shillings* unto their Majesties for and towards the Support of the Government.

Penalty for delaying the Post.

And that Boats be constantly kept on either Side of the Water at *Charlestown* Ferry, for the more speedy Transportation of Passengers, the Ferry-Men on each Side to have a seperate Interest; and that the Ferry be not from henceforth Leased out otherwise. And all the Members of the General Assembly shall be Ferriage free at all Ferries in their passing to and from the Assembly, and shall be transported without any unnecessary Delay, on pain of forfeiting *Twenty Shillings* as aboveſaid.

Assembly-men to pass Ferriage free.

CHAP.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of the Province of the *Maſſachuſetts-Bay* in *New-England*, begun at *Boſton* the thirtieth Day of *May*, 1694. And continued by ſeveral Adjournments unto the twenty-ſeventh Day of *February* following.

## CHAP. I.

## An Act for reviving of Actions and Proceſs, lately depending in the Superiour Court of Judicature, Court of Aſſize and General Goal Delivery, within the County of *Eſſex*, and diſcontinued by the not holding of the ſaid Court at *Salem* upon the ſecond Tueſday in *November*, 1694.

Preamble.

*WHEREAS by Reaſon of Sickneſs, and other more weighty Occaſions of the Province intervening; the Superiour Court of Judicature, Court of Aſſize and General Goal Delivery, could not be held and kept, at the Time prefixed by Law for the Sitting of the ſame at* Salem *within the County of* Eſſex, *upon the Second Tueſday in* November, *in the Year of Our Lord, One Thouſand ſix Hundred Ninety and Four: For which, if due Proviſion be not made, great Delay of Juſtice, and conſequently great Expences to the Suitors in the ſaid Court will enſue: Therefore for the Continuing and Reviving all manner of Actions or Pleas lately depending, and all manner of Proceſs that were returnable or depending in the ſaid Court, and which were diſcontinued and put without Day by the not holding the ſaid Court:*

**Be it enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame,** That all Pleas, Writs, Actions, Suits, Plaints, Proceſs, Precepts or other Things whatſoever, that were returnable, or had Day or Days in the ſaid Superiour Court of Judicature, or Aſſize and General Goal Delivery, to have been holden and kept as aforeſaid; ſhall ſtand continued, and be revived, and are hereby continued and adjourned unto, and ſhall and may be pleaded, heard and proceeded upon at the next Superiour Court of Judicature, Court of Aſſize and General Goal Delivery within the ſaid County of *Eſſex*, to ſit at *Ipſwich* on the third Tueſday in *May* next enſuing.

And that all Parties that had Day by any Pleas, Writs, Bills, Actions, Suits, Plaints, Proceſs, Precepts, or other thing or things whatſoever at or in the ſaid Court, to have been kept at *Salem* as aforeſaid; ſhall reſpectively appear at the ſaid next Court to be holden at *Ipſwich*, under the Penalty of forfeiting any Obligations or Recognizances Conditioned for the Appearance of the ſaid Parties at the aforeſaid Court in *Salem*, or under any other Penalty that might have incurred upon the ſaid Parties, for not appearing at the ſaid Court in *Salem*, if the ſame had been there holden and kept.

*Provided nevertheleſs*, and it is not to be underſtood by any thing herein contained, That the Jurors choſen and ſummoned to ſerve at the ſaid Court at *Salem*, are obliged to appear and ſerve at the ſaid Court to ſit at *Ipſwich*; but that new Jurors ſhall be choſen to ſerve at the ſaid Court as of Courſe.

*Provided alſo*, That where it happens any Perſon or Perſons being Principals that were under Bond, Obligation or Recognizance for Appearance at the ſaid Court to have been holden at *Salem* are ſince that removed and gone beyond Sea, or out of this Province, and ſhall not be returned before the Sitting of the next Court to be held at *Ipwich*; it ſhall be in the Power of the Court

Sitting

Sitting at *Ipswich*, upon Motion made on that Behalf, and they are accordingly to allow a Continuance of any such Bond, Obligation or Recognizance to such further Time as shall be thought necessary; that no Person concerned may be surprized or have Advantage unreasonably taken against them.

And be it further enacted by the Authority aforesaid, That when and so often as it shall happen the Superiour Court of Judicature, Court of Assize and General Goal Delivery, or the Inferiour Court of Pleas, in any of the respective Counties within this Province, cannot be held and kept on the Day by Law prefixed for the holding of the same by Reason of Death or Sickness befalling any of the Justices of such Court, or any providential necessary and unavoidable Let or Hindrance of their Attendance; it shall and may be lawful to and for any two of the Justices of such Court respectively by Writ under their Hands and Seals directed unto the Sheriff of the County, therein inserting the Occasion thereof, to Adjourn the said Court unto a further Day, as in the said Writ shall be expressed, at as little Distance of Time as possibly may be from the Day whereon by Law the Court should have sat, that so Justice be not deferred or delayed: And the Sheriff upon Receipt of the said Writ, shall cause Publication to be made of the same, at the usual Place of the said Court's Sitting, and some other of the most publick Places within the same County, and also to cause a Signification of such Adjournment, and the Time unto which it is made, to be posted up at or near the House or Place where the said Court uses to sit, and other publick Places as aforesaid; to the Intent that unnecessary Travel, Charge and Attendance of all Persons concerned may be prevented. And the Sheriff is to return such Writ with his Doings thereon into the Clerk's Office of such Court: And all Pleas, Writs, Actions, Suits, Plaints, Process, Precepts, Recognizances and other Thing and Things whatsoever returnable or having Day or Days in the said Court, shall stand, abide and continue unto the said Adjournment, and be held, deemed and adjudged to be as good, effectual and available in Law to all Intents, Constructions and Purposes, as if such Court had been held and kept on the Day by Law for holding of the same, and no Adjournment thereof had been made.

Power for adjourning of Courts.

## CHAP. II.

## An Act for the more effectual suppressing of Drunkenness, and putting in Execution the Laws against such as shall presume to sell strong Drink without Licence.

*WHEREAS divers Persons that obtain Licence for the Retailing of Wine and strong Liquors out of Doors only, and not to be spent or drank in their Houses, do notwithstanding take upon them to give Entertainment to Persons to sit Drinking and Tipling there; and others who have no Licence at all, are yet so hardy as to run upon the Law, in adventuring to sell without; tending to the great increase of Drunkenness and other Debaucheries: such Houses not falling under the Inspection of Officers, as those that are Licenced:*

Preamble.

Be it therefore enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That from and after the Publication hereof, every Person and Persons now Licenced or that shall hereafter obtain Licence to retail Wine and strong Liquors to be spent out of Doors, and not otherwise, who shall be convicted of entertaining or suffering any Person or Persons to sit drinking or tipling in their Houses, Cellars, Backsides, or within any of the Dependencies of such Houses; or of selling any other sort of Drink than what they have Licence for, shall incur and suffer the like Penalties and Forfeitures as may by Law be inflicted upon Persons selling without Licence: to be recovered and employed in Manner as by the said Law is directed.

Retailers to sell no other sorts of Drink than what they are Licensed to, nor to suffer Persons to drink in their Houses, &c. 4 *W. & M.* ca. 7

And all Officers as well Grand-Jurors, Constables, Tything-Men, as the Officers employed in and about the collecting of the Excise, are hereby authorized and required diligently to see that this Act be duly observed; and to present

Officers to inspect publick Houses, & to present such as sell without.

ſent and inform of all Breaches of the ſame, either at the Court of General Seſſions of the Peace, or to ſome Juſtice of the Peace; who are hereby reſpectively impowered to hear and determine the ſaid Offence according to Law: as alſo alike to preſent or inform of any that ſhall preſume to ſell any Sort of ſtrong Drink without Licence. And it ſhall and may be lawful to and for any of the aforeſaid Officers reſpectively *ex Officio* to enter into and inſpect the Houſe of any Perſon having once been convicted of ſelling without Licence, as they may by Law into Licenced Houſes. And if any of the before-mentioned Officers ſhall be convicted of taking or receiving any Bribe, Fee or Reward, directly or indirectly to connive at, conceal, or not to preſent or inform againſt any Perſon or Perſons being Licenced to Retail for ſpending out of Doors only, that ſhall ſuffer Perſons to drink or tipple in their Houſes or any of the Dependencies thereof; or for any others who ſhall preſume to ſell without Licence; every Officer ſo offending, ſhall forfeit and pay three times the Value of all and every ſuch Sum and Sums by him received as a Bribe, Fee or Reward; one Moiety thereof unto their Majeſties for and towards the Support of the Government, and the other Moiety to him or them that ſhall inform and ſue for the ſame in any of their Majeſties Courts of Record. And if ſuch Officer be one that is employed about the Exciſe, over and above the Forfeiture aforeſaid, he ſhall *ipſo facto* be diſcharged of and from his ſaid Office; and be rendred uncapable to be employed in any publick Service as an Officer, by the ſpace of three Years next following.

Penalty for receiving any Bribe, &c.

And be it further enacted by the Authority aforeſaid, That if any Perſon licenced as a Taverner, Innholder or Retailer of Wine or ſtrong Liquors out of Doors, ſhall tranſgreſs this Act or any other Law of the Province made for the Regulation of ſuch Houſes, in any of the Particulars therein mentioned, and ſhall be more than twice convicted of ſuch Breach of Law within the compaſs of one Year; every Perſon ſo offending, over and above the Penalty in the Law for ſuch Tranſgreſſion, ſhall forfeit his or her Licence, not to be renewed again by the ſpace of three Years next following.

Licence to be forfeited upon a third Conviction.

And if any Perſon or Perſons duly convicted of the Breach of Law in any of the Particulars herein before-mentioned, or of ſelling without Licence, ſhall be unable, or neglect to pay and ſatisfy the Fine impoſed by Law for ſuch Tranſgreſſion; it ſhall and may be lawful to and for the Court or Juſtice before whom the Conviction is, to order ſuch Perſon or Perſons either to ſtand committed to the Goal of the County by the ſpace of twenty Days without Bail or Mainprize, or to be ſet in the Cage, or Stocks, to remain there, not exceeding the ſpace of three Hours.

Perſons unable, or neglecting to pay their Fine, how to be puniſhed.

And it is further enacted by the Authority aforeſaid, That the Select-men in each Town ſhall cauſe to be poſted up in all publick Houſes within ſuch Town, a Liſt of the Names of all Perſons reputed Drunkards or common Tiplers, miſpending their Time and Eſtate in ſuch Houſes: And every Keeper of ſuch Houſe after Notice given him as aforeſaid, that ſhall be convicted before one or more Juſtices of the Peace of entertaining or ſuffering any of the Perſons named in ſuch Liſt, to drink or tipple in his or her Houſe, or any of the Dependencies thereof, ſhall forfeit and pay the Sum of *Twenty Shillings*; one Moiety thereof to him or them who ſhall inform of the ſame, and the other Moiety to and for the Uſe of the Poor of the Town where ſuch Offence ſhall be committed.

Select-men to cauſe reputed Drunkards, &c. to be poſted up. 4 *W. & M.* ca. 6.

Penalty on the Keepers of publick Houſes giving them Entertainment

## CHAP. III.

## An Act for preventing of Mens Sons, or Servants abſenting themſelves from their Parents or Maſters Service without Leave.

Preamble.

*WHEREAS Complaint has been made by ſundry Inhabitants of this Province, that they have ſuſtained great Damage by their Sons and Servants deſerting their Service without Conſent of their Parents or Maſters, being*

*being encouraged to enter themselves on Board private Men of War, or Merchant Ships, and there entertained:*

For Redress whereof:

Be it enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That no Commander of any private Man of War, or Master of any Merchant Ship or Vessel, coming into, tarrying or abiding in, or going forth of any Port, Harbour or Place within this Province, shall receive, harbour, entertain, conceal or secure on Board such Ship or other Vessel, or suffer to be there harboured or detained, any Man's Son being under Age, or Apprentice, or Covenant Servant (knowing him to be such, or after Notice thereof given) without Licence and Consent of his Parent or Master, in Writing under his Hand first had and obtained; on Pain of forfeiting the Sum of *five Pounds* per Week, and so proportionably for a longer or shorter time than any Son, Apprentice or Servant, shall be held, harboured, concealed or detained on Board any such Ship or other Vessel as aforesaid, without Licence and Consent as aforesaid; the one Moiety thereof unto their Majesties, to be employed towards the Support of the Government of the Province; and the other Moiety unto the Parent or Master of such Son, Apprentice or Servant that shall inform and sue for the same, in any of their Majesties Courts of Record within this Province, by Bill, Plaint or Information; wherein no Essoin, Protection or Wager of Law shall be allowed. Penalty on Commanders or Masters of Ships, &c. for entertaining Mens Sons or Servants without Leave

5 G. ca. 1
11 W. ca. 6.

And be it further enacted by the Authority aforesaid, That every Apprentice or Covenant Servant who shall unlawfully absent himself from his Master, and enter himself on Board any Ship or Vessel as aforesaid, with Intent to leave his Master's Service; or continue there more than the space of twenty-four Hours, and be thereof convicted before their Majesties Justices in General Sessions of the Peace within the same County; shall forfeit unto his Master such further Service from and after the Expiration of the Term which his said Master had in him at the Time of his Departure, as the said Court shall order, not exceeding one Year. Penalty on Servants deserting their Masters Service.

## CHAP. IV.

## An Act for Grand Jurors serving at the Quarter Sessions of the Peace, and punishing Defaults of Jurors Attendance.

*To the Intent that due Inquiry and Presentment may be made unto the Court of Quarter Sessions of the Peace within the respective Counties, of all Misdemeanours, Offences and Breaches of Law, proper to the Cognizance of the said Court, happing within such County, for the suppressing and punishing of the same: and that Jurors may duly attend the Service for which they are chosen:* Preamble.

Be it enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Clerk of the Peace of each several County shall annually, fifteen Days at least before the Day for holding of the Court of Quarter Sessions of the Peace for such County, issue out Writs directed unto the Constables of the respective Towns within the same; requiring them or one of them forthwith to warn a Meeting of the Inhabitants duly qualified by Law, for the chusing of one or more Grand Jurors, according to the Number such Town has been accustomed to send, or otherwise shall be appointed for them by the Justices of the said Court; and the Person or Persons so chosen, to warn to appear at the next Court, and the following Courts of Quarter Sessions successively, to be holden for the same County within the space of one Year, and there to attend the Service belonging to them; and to make Return of the said Writ with his Doings thereon accordingly unto the said Clerk's Office, before the opening of the said Court: And if any Constable shall fail of performing his Duty by the said Writ required, or seasonably to return the same, he shall forfeit and pay the Sum of *forty Shillings*. And the Persons chosen and returned as aforesaid appearing, shall be impanelled, and sworn a Grand Inquest for the Body of such County; and shall continue in the said Office for the space of one full Year, and until Grand Jurors to serve a full Year.

4 W. & M. ca. 17.

Their Duty.

others be chosen and sworn in their Stead: whose Duty it shall be to inquire and duly present the Breach of all such good and wholsome Laws, as are or shall be established within this Province, and all such Misdemeanours as are proper to their Inquiry, and the Jurisdiction of the said Court.

Forty Shillings Fine for Non-appearance.

And if any Person chosen to the said Office, and summoned by the Constable and so returned by him, shall make Default in Appearance, without reasonable Excuse made, and allowed of by the Court; the said Court shall and may set a Fine upon him, not exceeding the Sum of *forty Shillings*; and a new Writ shall issue forth unto the Town, to chuse another in his Room; and so likewise in Case of the removal of any by Death, or otherwise.

Petit Jurors making Default, to be fined, not exceeding 20 *s.* 3 *G.* ca. 5. Act to prevent Default in the appearance of Jurors. 10 *W.* ca. 10.

And be it further enacted by the Authority aforesaid, That if any Person or Persons legally chosen, and summoned to serve upon the Petit Jury, for Trials in the Superiour Court of Judicature, Court of Assize, and General Goal Delivery, or in any of the Inferiour Courts of Common Pleas, or of General Sessions of the Peace, being so returned by the Constable under his Hand, shall make Default of Appearance, and not attend the said Service without reasonable Excuse made, and allowed of by such Court; every Person and Persons so offending, shall be fined by the said Court, (who are hereby impowered thereto) not exceeding the Sum of *twenty Shillings*.

Fines and Forfeitures to come to the County.

All Fines and Forfeitures accruing by Virtue of this Act, shall be paid in to the Treasurer of the County where the same do arise; and be employed towards the defraying the publick Charges of such County.

How to be Levied.

And in Case any Person or Persons sentenced to pay any of the said Fines or Forfeitures, shall neglect or refuse so to do, the same shall be levied by Distress and Sale of the Offenders Goods or Chattels, by Warrant from the Court that awarded the same, to be signed by the Clerk of the said Court; together with the incident Charges arising for taking such Distress, according to the Fees by Law allowed for levying of Executions; and *two Shillings* for the Warrant, to be paid unto the Clerk that granted the same.

Grand Jurors Allowance. 6 *G.* 2 ca. 6. 1 *G.* ca. 5.

And all Grand Jurors shall be allowed by the County Treasurer the Sum of *two Shillings per Diem* each Man, during their Attendance on any Court: the Time to be certified unto the County Treasurer, by the Clerks of the respective Courts. And no Grand Juror shall be compelled to serve more than one Year in three; nor any Petit Juror, more than at one Court within the Compass of a Year.

## CHAP. V.

## An Act for supplying the Defects in the Act Intituled, *An Act encouraging the killing of Wolves.*

5 *W.* & *M.* ca. 2. 2 *G.* ca. 3. 7 *G.* ca. 3.

Preamble.

*WHEREAS by the Act Intituled* An Act encouraging the killing of Wolves, *made and passed at the Session of the General Assembly begun and held at* Boston, *the thirty-first Day of* May, *in the fifth Year of their present Majesties Reign; there is Provision for Payment to be made unto the Person or Persons who shall kill any grown Wolf or Wolves Whelp, out of the Town Stock, in which such Wolf is killed, or of the Town lying next adjacent thereto, and that the said Disburst, the same being made to appear, shall be allowed unto such Town, by the General Treasurer of the Province out of the publick Treasury: But for-as-much as there is no particular Direction in the said Act how or in what Manner such Payment out of any Town Stock, shall be made appear, so as to justify the Treasurer in allowing of the same; and the better to prevent any Fraud therein:*

Constables & One or more Select-men to give Receipt for Wolves Heads.

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That every Person or Persons killing any grown Wolf or Wolf's Whelp (other than such as shall be taken out of the Belly of any Bitch Wolf) within any Town of this Province, and bringing the Head thereof unto the Constable of such Town or of the Town next adjacent, the Constable in the Presence of one or more of the Select-men, shall cut both the Ears off the same, and such Select-man or Men

and

and Constable, shall give the Party a Receipt for the said Head, expressing whether it be a grown Wolf or a Whelp; and upon producing such Receipt, the Party shall be paid and allowed by the Select-men or Treasurer of such Town, out of the Town Stock, for the same, as in and by the said Act is directed. And all such Payments so made shall be certified unto the Treasurer and Receiver General, under the Hands of the major Part of the Select-men in such Town, and Town Treasurer (where any such be) or Town Clerk, in Manner following: *That is to say,*

Mr. Treasurer,

Certificate to the Treasurer.

*THis may certify, That there has been paid unto sundry Persons out of the Town Stock of* A *for grown Wolves, and Wolves Whelps kill'd in and near unto our Town, since the Day of last past, and the Heads thereof brought unto our Constables, and the Ears cut off in Presence of some of our Selves, as the Law directs, and so certified unto us, in the whole the Sum of* Pounds *which Sum we desire you to allow unto our Town, by discounting the same with* B. C. *Constable, out of the publick Assessment, committed to him to collect in our Town. Dated in* A. *aforesaid, the Day of*

Select-Men,
Town-Treasurer,
*Or,*
Town Clerk.

And be it further enacted, That the Treasurer do cause a competent Number of blank Certificates in the Form aboveſaid, to be printed at the publick Charge, and affix his own Seal thereto; and is hereby ordered to deliver so many unto the Select-men of each Town and Place respectively, or some one of them, as shall be necessary for the Use of such Town or Place.

---

# Acts and Laws,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay*, in *New-England*, begun and held at *Boston*, the twenty-ninth Day of *May*, 1695.

---

## CHAP. VI.

## An Act to prevent Incestuous Marriages.

Preamble.

*ALTHOUGH this Court doth not take in Hand to determine what is the whole Breadth of the divine Commandment respecting unlawful Marriages: Yet for preventing of that abominable Dishonesty and Confusion which might otherwise happen:*

Degrees of Kindred forbidden Marriage.

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That no Man shall marry any Woman within the Degrees hereafter named in this Act, *That is to say,* No Man shall marry his *Grandfather's Wife, Wife's Grand-Mother, Father's Sister, Mother's Sister, Father's Brother's Wife, Mother's Brother's Wife, Wife's Father's Sister, Wife's Mother's Sister, Father's Wife, Wife's Mother's Daughter, Wife's Daughter, Son's Wife, Sister, Brother's Wife, Wife's Sister, Son's Daughter, Daughter's Daughter, Son's Son's Wife, Daughter's Son's Wife, Wife's Son's Daughter, Wife's Daughter's Daughter, Brother's Daughter, Sister's Daughter, Brother's Son's Wife, Sister's Son's Wife, Wife's Brother's Daughter, Wife's Sister's Daughter.* And if any Man have already married, or shall hereafter marry, or have carnal Copulation with any Woman who is within the Degrees before recited in this Act; every such Marriage shall be and is hereby declared to be null and void. And all Children that shall hereafter be born of such incestuous Marriage or Copulation, shall be for ever disabled to inherit by Descent, or by being generally named in any Deed or Will by Father or Mother.

And

Penalty for any within the said Degrees that shall marry.

And be it further enacted by the Authority aforesaid, That every Man and Woman who shall marry, or carnally know each other, being within any of the Degrees before recited in this Act, and shall be convicted thereof before His Majesty's Justices of Assize and General Goal Delivery; such Man and Woman so convicted, shall be set upon the Gallows by the space of an Hour, with a Rope about their Neck, and the other End cast over the Gallows: And in the Way from thence to the common Goal, shall be severely whipped, not exceeding forty Stripes each. Also every Person so offending shall for ever after wear a Capital I of two Inches long, and proportionable bigness, cut out in Cloth of a contrary Colour to their Cloaths, and sewed upon their upper Garments on the outside of their Arm, or on their Back in open View. And if any Person or Persons having been convicted and sentenced for such Offence, shall at any Time be found without their Letter so worn, during their Abode in this Province, they shall by Warrant from a Justice of the Peace be forthwith apprehended and ordered to be publickly whipped not exceeding fifteen Stripes, and so from Time to Time *toties quoties*.

Penalty on such whose Marriage is declared null, to converse or dwell together.

And be it further enacted by the Authority aforesaid, That if any Man or Woman whose Marriage is by this present Act declared null and void, shall be so hardy as to converse together as Man and Wife, or shall continue to dwell in the same House at any Time after the space of forty Days next after the Publication of this present Act, and be thereof convicted; or if any Man and Woman who shall hereafter be divorced, or their Marriage declared to be null and void, according to the Law of this Province, shall cohabit, or converse together as Man and Wife, and be thereof convicted, all and every such Persons shall suffer the Pains and Penalties mentioned in an Act made and passed by the Great and General Court or Assembly, at their Sessions begun and held the thirtieth Day of *May, One Thousand six Hundred ninety four*, Intitled *An Act against Adultery and Polygamie*; which in and by the said Act are set and imposed upon such as shall be taken in Adultery. And it shall be in the Power of the Justices of the Superiour Court of Judicature, to assign unto any Woman so seperated, such reasonable Part of the Estate of her late Husband, as in their Discretion the Circumstances of the Estate may admit; not exceeding one third Part thereof.

*And for the better preventing of Clandestine Marriages:*

4 *W. & M.* ca. 10, and References

Justices and Ministers not to marry Persons out of their County or Towns respectively.

Names and Intention of Marriage to be entred with the Town Clerk.

Penalty on Justices or Ministers offending.

Be it enacted by the Authority aforesaid, In Addition to the Act Intitled, *An Act for the orderly Consummation of Marriages*: That no Person other than a Justice of the Peace, and that within his own County only; or ordained Minister, and that only in the Town where he is settled in the Work of the Ministry; shall or may presume to join any Persons together in Marriage: Nor shall any Justice or Minister, join any Persons in Marriage other than such, one or both of whom are Inhabitants or Residents in such County or Town respectively; nor without Certificate produced under the Hand of the Clerk of the several Towns where the Parties respectively dwell, that the Names and Intention of the said Parties have been entred with him fifteen Days before Hand; and that due Publication of such their Intention or Purpose has been made, in Manner as by Law is directed: Nor without evident Signification that the Parents of such Persons, or others whose immediate Care or Government they are under; are knowing of, and consenting to such Marriage; on Pain that every Justice, Minister, or other Person offending against this Act, shall for every such Offence forfeit and pay the Sum of *Fifty Pounds*; as a Fine for and towards the defraying of the publick Charge, arising within such County where the Offence is committed: To be sued for and recovered by the County Treasurer, in any of His Majesty's Courts of Record within the same; by Bill, Plaint or Information: And shall, and are hereby for ever after disabled to join Persons in Marriage; and be further liable to the Action and Suit of the Parent, Guardian, or others whose immediate Care and Government either of the Parties were under at the Time of such Marriage, that are aggrieved thereat and shall prosecute the same.

And

And be it further enacted, That if at any Time the Banns of Matrimony betwixt any Persons shall be forbidden, the Publisher thereof shall forbear to proceed therein, until the Matter have been duly inquired into, and heard before two of the Justices of the same County; and that they certify under their Hands, either that the Cause was insufficient, or that it is removed. Banns forbidden, not to be out-assi'd till the Matter be heard &c.

And all Marriages shall be Registred by the Town Clerk of the same Town where they are consummated: And every Justice or Minister as aforesaid, shall return a Note or Certificate unto the Clerk of the Town, of the Names of all Persons which they shall marry, and of the Time when, within three Months at furthest after Consummation of the same; and shall allow and pay out of his Fee unto the Clerk for entring the same *three Pence*: Any Law, Usage or Custom to the contrary notwithstanding. Town Clerk to Register Marriages. 3 *G.* ca. 4.

And be it further enacted by the Authority aforesaid, That if any Man shall wear Womens Apparel; or if any Woman shall wear Mens Apparel, and be thereof duly convicted; they shall be corporally punished or fined, at the Discretion of the Quarter Sessions, not exceeding *five Pounds*, to the Use of the County where the Offence is committed, towards the defraying of the County Charges. Penalty on Men and Women that shall wear contrary Apparel.

## CHAP. VII.

## An Act for Regulating the Assize of Shingles.

*WHEREAS it has been accustomed, that Shingles exposed to Sale, are close pack'd up in Bundles, so that the Quality of them cannot be seen; and do frequently fall short of the due Assize and Dimensions, whereby great Injustice may be done:* Preamble.

For Remedy whereof:

Be it enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That all Shingles exposed to Sale, shall be made of good sound Timber, and of the following Dimensions: *That is to say:* Each Shingle to bear eighteen Inches or fifteen Inches in Length; and not under three and half Inches in Breadth; nor under half an Inch thick, and well shaved. All Shingles of eighteen Inches and fifteen Inches respectively, to be made up in distinct Bundles by themselves. Assize of Shingles. 9 *A.* ca. 6.

And be it further enacted by the Authority aforesaid, That from and after the first Day of *September* next ensuing, no Person shall expose to Sale any such Shingles, which are not of the full Dimensions of Length, Breadth and Thickness aforesaid; on pain of forfeiting every Bundle, wherein any Shingles shall be found under any of the said Dimensions of Length, Breadth or Thickness. All Shingles under due Assize, exposed to Sale, to be forfeited.

And if any Person to whom any Shingles are tendred to be sold, shall desire to have them viewed; upon his Application made to a Justice of Peace, such Justice is hereby impowred, to make out a Warrant for the appointing and authorizing some able House-Carpenter, to view and measure the same; and to administer an Oath unto him, to deal faithfully and impartially therein; and in the Presence of the Owner or Vender of such Shingles (if he see Cause to be there) to perform the said Service; and to make Seisure of all such Bundles of Shingles, in which there shall be any found under the full Dimensions abovementioned, in any Particular thereof. And upon such Return made by the said Officer under his Hand, to the Justice who granted the Warrant, such Justice shall declare the said Shingles to be forfeited; and cause them to be delivered unto the Select-Men or Overseers of the Poor of the Town, where they are offered to Sale; to be employed to and for the Use of the Poor of such Town: The Charges of viewing, being first defrayed and answered for out of the same; but where there appears no Defects the Person at whose Desire the Survey is appointed, shall answer the whole Charge thereof. Justices of the Peace to appoint a Viewer. Defective Shingles forfeited, to be to the Use of the Poor.

CHAP.

## CHAP. VIII.

### An Act for the better Settlements of the Islands of *Martha's Vineyard*, and Islands adjacent.

BE it enacted by the Lieutenant Governour, Council and Representatives, convened in General Court or Assembly, and by the Authority of the same, That the Islands of *Martha's Vineyard, Elisabeth* Islands, the Islands called *Nomans-Land*; and all the Dependencies formerly belonging to *Dukes* County, (the Island of *Nantucket* only excepted) shall be, remain and continue to be one County, to all Intents and Purposes; by the Name of *Dukes-County*: And all Appeals from any Judgment or Judgments given, or to be given in any of the Inferiour Courts of Pleas within the said County, shall henceforth be heard and tried at the Superiour Court of Judicature to be holden from Time to Time at *Plymouth*, within the Neighbouring County of *Plymouth*: Any Law, Usage or Custom to the contrary notwithstanding: the Jurors to serve at the said Superiour Courts of Judicature, to be from Time to Time chosen and summoned out of the several Towns within the said County of *Plymouth* and *Dukes-County* according to the Directions in the Law in such Case provided. The Island of *Nantucket* to remain and continue under the same Form of Government as is already there settled: And Appeals from the Judgments given or to be given in the Inferiour Court of Pleas within the said Island, to be heard and tried in the Superiour Court of Judicature to be held at *Boston* within the County of *Suffolk*, as is by Law provided.

Appeals from Courts in *Dukes* County, to be to *Plymouth*.

Appeals from Courts in *Nantucket* to be to *Boston*.

## CHAP. IX.

### An Act in further Addition to the Act Intitled, *An Act for the Settlement and Support of Ministers.*

BE it enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That when at any Time a Church shall make Choice of a Minister, and present their Choice unto the Inhabitants of the Town or Precinct in a publick Meeting duly warned and assembled for that Purpose, to have their Concurrence therein; and the Inhabitants so assembled, shall by a major Vote deny their Approbation of the Churches Choice; the Church may call in the Help of a Council consisting of the Elders and Messengers of three or five Neighbouring Churches; which Council are hereby impowred to hear, examine and consider the Exceptions and Allegations made against the Churches Election. And in Case the Council shall notwithstanding approve of the said Election, such Minister accepting of the Choice, and setling with them, shall be the Minister of the Town or Precinct, who shall be in all Respects supported and maintained, as by the said Act is provided; but if otherwise, the Church shall proceed to the Election of another Minister.

4 *W. & M.* ca. 11, and References.

And it is further declared, That no Person by Reason of his voting in the Church, shall be precluded from voting as an Inhabitant of the Town: Any Law, Usage or Custom to the contrary notwithstanding.

ACTS

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of the Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and held at *Boſton*, the twenty-ninth Day of *May*, 1695. And continued by ſeveral Adjournments until the twentieth of *November* following.

## CHAP. X.

## An Act for the better Diſcovery and more effectual Suppreſſing of Unlicenſed Houſes.

Preamble.

*FORASMUCH as divers ill diſpoſed and indigent Perſons, the Pains and Penalties in the Laws already made not regarding, are ſo hardy as to preſume to ſell and retail ſtrong Beer, Ale, Cyder, Perry, Wine, Rum, or other ſtrong Liquors or mixt Drinks, and to keep common tipling Houſes, therein harbouring and entertaining Apprentices,* Indians, Negroes, *and other idle diſſolute Perſons, tending to the Ruin and Impoveriſhment of Families, and to all Impiety and Debaucheries; and if detected and convicted of any ſuch Offence, are unable to ſatisfy the Fine impoſed by Law for the ſame; and cannot be puniſhed by Impriſonment without Wrong to their Families:*

See 4 *W.* & *M.* ca. 7. and References.

For Remedy whereof, and the more effectual deterring and ſuppreſſing of ſuch evil Practices:

Perſons unable to pay the Fine to be whip'd

**Be it enacted by the Lieutenant Governour, Council and Repreſentatives,** in General Court aſſembled, and by the Authority of the ſame, That when and ſo often as any Perſon being duly convicted of keeping a common tipling Houſe, or ſelling ſtrong Beer, Ale, Cyder, Perry, Wine, Rum, or other ſtrong Liquors or mixt Drink by Retail, without Licence firſt orderly had and obtained for the ſame, ſhall be unable to anſwer and ſatisfy the Fine impoſed by Law for ſuch Tranſgreſſion, together with the Charge of Proſecution; or that ſhall not pay ſuch Fine and Charges (and likewiſe give Bond for the good Behaviour, if it be a ſecond Conviction) within the ſpace of twenty four Hours next after Sentence declared in that Reſpect; it ſhall and may be lawful to and for two Juſtices of the Peace, or the Court before whom the Conviction ſhall be, to order ſuch Offender to be openly whip'd with ſo many Stripes as in their Diſcretion ſhall be thought fit, not leſs than ten, nor exceeding fifteen for one Offence; and to reſtrain the Offender in Priſon, until the Fine and Charges as aforeſaid are paid, or the Order for corporal Puniſhment be executed.

Officers Power to ſeize Drink found in unlicenſed Houſes.

**And be it further enacted by the Authority aforeſaid,** That it ſhall and may be lawful to and for any Grand Jurors, Conſtables, Tything-Men, and the Officers employed in and about the Exciſe, *ex officio* to enter into the Houſe and Dependencies thereof, of any ſuch Perſon as aforeſaid, ſuſpected of ſelling ſtrong Drink without Licence, having once been convicted thereof, and taking with them ſuch Aſſiſtance as they ſhall think needful, to make Search for ſtrong Drink, and finding any Quantity of any Kind of the Drinks herein before-mentioned, to ſeize and ſecure the ſame, ſo as it be within the ſpace of one Year next after ſuch Conviction, and to inform thereof at the next General Seſſions of the Peace to be holden within the ſame County, or unto two Juſtices of the Peace (*Quorum Unus*) within the ſame: And if the Quantity of Drink ſo ſeized ſhall be judged by ſuch Court or Juſtices to be more than for the neceſſary Uſe of the Family, and what their Condition may reaſonably allow them to expend, or otherwiſe to have in their Cuſtody; it ſhall and may be lawful to and for ſuch Court or Juſtices to declare all ſuch Drink to be forfeited; one Moiety thereof unto the Party that ſeized and informed of the ſame, and the other Moiety to the Select-men or Overſeers of the Poor of the Town where it was ſeized, to the Uſe of the Poor there; and to order the Diſpoſal thereof accordingly.

Appeal from the Sentence of two Justices

*Provided nevertheleſs*, That any Perſon aggrieved at the Sentence of any two Juſtices for either of the Offences before-mentioned, may appeal therefrom unto the next General Seſſions of the Peace within the ſame County; provided ſuch Appeal be claimed in due Time, and Security given in Manner as the Law in ſuch Caſes directs.

## CHAP. XI.

## An Act for taking of Affidavits out of Court.

Preamble.

*FORASMUCH as it is often neceſſary, that Witneſſes in civil Cauſes be ſworn out of Court, when by Reaſon of their going to Sea, living more than thirty Miles diſtant from the Place where the Cauſe is to be tried, Age, Sickneſs, or other bodily Infirmity, they are rendered uncapable of Travel, and appearing in Perſon at the Court: To the Intent therefore that all Witneſſes may indifferently teſtify their certain Knowledge, and the whole Truth in the Cauſe they are to ſpeak unto:*

Adverſe Party to have Notification.

**Be it enacted by the Lieutenant Governour, Council and Repreſentatives, in General Court aſſembled and by the Authority of the ſame,** That for either of the Reaſons before-mentioned, and not otherwiſe, every Juſtice of the Peace, or others lawfully commiſſionated and impowered thereto by two or more of the Juſtices of the Superiour or Inferiour Court reſpectively, may take Affidavits out of Court, ſo as a Notification with reaſonable Time, be firſt made out and delivered to the adverſe Party (if within twenty Miles of the Place) or left at the Place of his Dwelling or uſual Abode, to be preſent at the Time of taking ſuch Affidavit, if he think fit; and every ſuch Witneſs ſhall be carefully examined and cautioned to teſtify the whole Truth; and being Sworn, the Juſtice ſhall atteſt the ſame, with the Day Month and Year of the Caption thereof, and that the adverſe Party was preſent (if ſo) or that a Notification was ſent him; and ſhall Seal up the Teſtimony, and deliver it to the Party (if deſired) at whoſe Requeſt it was taken: And no Perſon intereſted ſhall write or draw up the Teſtimony of any Witneſs in ſuch Cauſe, nor any Attorney in his Clients Cauſe: And if it manifeſtly appear that any Teſtimony be written or drawn up by any intereſted, or the Attorney in the Cauſe, or be returned from any Juſtice of the Peace by other Hand than his own, into the Court where the ſame is to be uſed, unſealed, or the Seal having been broken up; all ſuch Teſtimonies ſhall be rejected by the Court, and be utterly void, and of no Effect in Law.

No Perſon intereſted or the Attorney, to write Affidavits.

Affidavits to be returned to the Court ſealed up.

Juſtices to grant Summons for Witneſſes.

**And be it further enacted by the Authority aforeſaid,** That every Juſtice of the Peace ſhall be, and hereby is impowered, upon Requeſt to him made, to grant Summons for the Appearance of any Witneſs before him in any civil or criminal Cauſe, where ſuch Witneſs is bound to Sea before the Time of Trial, and to take his Depoſition in ſuch Cauſe; the adverſe Party being preſent, or Notification ſent him as aforeſaid.

Witneſſes to Bonds and other Writings may be Sworn without Notification.

*Provided nevertheleſs*, That Witneſſes to Bonds, Specialties, Letters of Attorney, and other Inſtruments in Writing under the Hand of the Party executing the ſame, or to Accompts or Teſtimonies relating to Perſons out of this Government, or to be ſent beyond Sea, may be ſworn without ſuch Notification as aforeſaid.

Affidavits *in perpetuam rei memoriam*, to be ſworn in Court or before two Juſtices.

**And be it further enacted by the Authority aforeſaid,** That all Affidavits relating to the Poſſeſſion of any Houſes or Lands, or any other Matter, *in perpetuam rei memoriam*, ſhall be made and taken before ſome Court of Record, or two or more Juſtices of the Peace, *Quorum Unus*.

Penalty for Perjury.

**And it is further enacted,** That all Perſons forſwearing themſelves in any ſuch Affidavits taken as aforeſaid, ſhall incur the ſame Penalties, as if they had been taken in open Court.

# An Act,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England*, Begun and held at *Boston* the twenty-ninth Day of *May*, 1695. And continued by several Adjournments until the twenty-sixth Day of *February* following.

## CHAP. I.

## An Act directing the Province Treasurer to lay his Accompts before the General Assembly from Time to Time for their Approbation.

BE it declared and enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Accompts of the issuing and disposal of Monies and Sums of Money granted and raised, and that hereafter shall be granted and raised by the General Assembly, for the Support and Defence of this His Majesty's Province, and that hath or shall come into the publick Treasury, by any other Ways or Means whatsoever, shall be by the Treasurer laid before the Great and General Assembly, when by them required, for their Examination, Approbation and Allowance, from Time to Time as hath been accustomed. And all such Approbations and Allowances of the General Assembly heretofore and that hereafter shall be passed, shall be to the Treasurer a full and final Discharge.

Accounts of the issuing & disposal of the publick Money, to be laid before the General Assembly.

# Acts and Laws,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England*, Begun at *Boston* the twenty-seventh Day of *May*, 1696. And continued by several Adjournments unto the eighteenth of *November* following.

## CHAP. II.

## An Act for the equal Distribution of Insolvent Estates.

BE it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and it is enacted and ordained by the Authority of the same, That when the Estate of any Person deceased shall be Insolvent or insufficient to pay all just Debts which the Deceased owed; the same shall be set forth and distributed to and among all the Creditors in proportion to the Sums to them respectively owing, so far as the said Estate will extend saving that the Debts due to the Crown, the Sickness and necessary Funeral Charges of the Deceased are to be first paid. And the Executor or Administrator appointed to any such Insolvent Estate, before Payment to any be made (except as aforesaid) shall represent the Condition and Circumstances thereof unto the Judge for Probate of Wills, and granting of Administrations; and the said Judge shall nominate and appoint two or more fit and indifferent Persons to make a true and equal Apprizement of such Estate, and administer an Oath unto them for that Purpose; and shall also nominate and appoint two or more fit Persons to be Commissioners with full Power to receive and examine all Claims of the several Creditors, and how they are made out: And such Commissioners shall cause the Times and Places of their Meeting, to attend the Creditors, for the receiving and examining of their Claims, to be made known and published by posting up the same in some publick Places in the Shire Town of that County where such deceased Person last dwelt, and of the two next adjoining Counties.

Additional Act 12 *W.* ca. 8.

Manner of Distribution.

Apprisers to be sworn.

Commissioners to receive the Claims.

And six, twelve, or eighteen Months Time (as the Circumstances of any Estate may require) shall be allowed by the Judge unto the Creditors, for bringing in their Claims, and proving their Debts: At the End of which limited Time, such Commissioners shall make their Report, and present a List of all the Claims unto the said Judge, who shall order them meet Recompence out of the Estate, for their Care and Labour in that Affair: And the Debts due to the Crown, Sickness, and necessary Funeral Charges, as is herein before provided, being first subducted, shall order the Residue and Remainder of the Estate to be paid and distributed to and among the other Creditors that shall have made out their Claims in due proportion to the Sums unto them respectively owing, according as the Estate will bear; saving unto the Widow, if any be, her Right of Dower according to Law, in the Houses and Lands of the Deceased; the Widow's Dower at the Expiration of her Term to be also distributed among the Creditors in a like Proportion.

Saving of Dower.

*Provided*, That notwithstanding the Report of any such Commissioners or Allowance thereof made, it shall and may be lawful to and for the Executor or Administrator, to contest the Proof of any Debt at the common Law.

Debts may be contested at common Law.

And no Process in Law (except for Debts due to the Crown, Sickness and Funeral Charges) shall be allowed against the Executors or Administrator of any Insolvent Estate, so long as the same shall be depending as aforesaid.

Process suspended whilst the Commission is depending.

And whatever Creditor shall not make out his or her Claim with such Commissioners before the full Expiration of the limited Time, such Person shall be for ever after debarred of his or her Debt, unless he or she can find some further Estate of the Deceased, not before discovered and put into the Inventory.

Creditors excluded that bring not in their Claims.

**And be it further enacted by the Authority aforesaid**, That every Judge for Probate of Wills and granting Administrations within the respective Counties, be, and hereby is fully authorized and impowred to call before him, and to require and administer an Oath unto any Person or Persons probably suspected by any Executor or Administrator to have concealed, imbezel'd or conveyed away any of the Money, Goods or Chattels left by the Testator, or Intestate, for the discovery of the same. And in Case any such suspected Person was betrusted by the Person deceased, attended upon, or was otherwise conversant with or near unto him in the Time of Sickness; or left in Possession of the Estate whereby to strengthen and make the Suspicion more violent, and shall refuse to clear and acquit him or her self upon Oath; it shall and may be lawful for, and the Judge is hereby impowred to commit such Person so refusing to Swear, unto the Goal of the County, there to remain until he or she shall comply to discharge him or herself upon Oath as aforesaid, or be released by Consent of the Executor or Administrator.

Persons suspected of Concealment or Imbezelments to be sworn.

Penalty for refusing.

Saving unto any Person aggrieved at any Sentence, Order or Decree, made by the Judge of Probate, Liberty of an Appeal unto the Governour and Council: such Appellant giving Bond in a reasonable Sum with sufficient Security to prosecute his Appeal with Effect, and to abide and perform the Determination that shall be made thereupon.

Appeal.

## CHAP. III.

## An Act for making of Lands and Tenements liable to the Payment of Debts.

Preamble.

*WHEREAS the Estates of Persons within this Province do chiefly consist of Houses and Lands, which give them Credit, some being remiss in paying of their just Debts, and others hapning to die before they have discharged the same:*

Lands and Tenements liable to Execution.

**Be it therefore enacted and ordained by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same**, That all Lands or Tenements belonging to any Person in his own proper Right in Fee, shall stand charged with the Payment of all just Debts owing by such Person, as well as his personal Estate, and shall be liable

to

to be taken in Execution for Satisfaction of the same, where the Debtor or his Attorney shall not expose to View and tender to the Officer personal Estate sufficient to answer the Sum mentioned in the Execution, with the Charges.

Execution duly served and Recorded to make a good Title.

And all Executions duly served upon any such Houses and Lands, being returned into the Clerk's Office of the Court out of which the same issued and there recorded, shall make a good Title to the Party for whom they shall be so taken, his Heirs and Assigns for ever. Also where the Goods and Chattels belonging to the Estate of any Person deceased, shall not be sufficient to answer the just Debts which the Deceased owed, or Legacies given; upon Representation thereof, and making the same to appear unto the Superiour Court of Judicature holden for or within the County where such deceased Person last dwelt; the said Court are hereby impowred to licence and authorize the Executor or Administrator of such Estate to make Sale of all or any Part of the Houses and Lands of the Deceased, so far as shall be necessary to satisfy the just Debts which the Deceased owed at the Time of his Death; and Legacies bequeathed in and by the last Will and Testament of the Deceased. And every Executor or Administrator being so licensed and authorized as aforesaid, shall and may by virtue of such Authority, make, sign and execute in due Form of Law, Deeds and Conveyances for such Houses and Lands as they shall so sell; which Instruments shall make a good Title to the Purchaser, his Heirs and Assigns for ever.

Justices of the Superiour Court impowred to License the Sale of Lands, &c.

*Provided nevertheless*, That any Debt or Debts due to the Crown from any such Estate, shall be first secured and paid out of the same.

Debts to the Crown to be first paid.

And be it further enacted by the Authority aforesaid, That when any Person or Persons shall make Sale or other Alienation of any Lands or Tenements to him of Right belonging, with Intent to defeat and defraud his Creditors of their just Debts not *bonâ fide* for good and valuable Consideration truly paid: All such Sales and Alienations are to be deemed covinous and fraudulent, and shall be of no Effect to bar any Creditor from such Debt as is to him owing.

Fraudulent Deeds to be void.

## CHAP. IV.

## An Act to prevent the destroying and murdering of Bastard Children.

Preamble:

*WHEREAS many lewd Women that have been delivered of Bastard Children to avoid their Shame, and to escape Punishment, do secretly bury or conceal the Death of their Children, and after, if the Child be found Dead, the said Women do alledge that the said Child was born dead; whereas it falleth out sometimes (although hardly it is to be proved) that the said Child or Children were murdered by the said Women their lewd Mothers, or by their Assent or Procurement:*

4 W. & M. ca 6.

Be it therefore enacted by the Lieutenant Governour, Council and Representatives, convened in General Assembly, and it is hereby enacted by the Authority of the same, That if any Woman be delivered of any Issue of her Body, Male or Female, which if it were born alive, should by Law be a Bastard; and that she endeavour privately, either by drowning, or secret burying thereof, or any other Way; either by her self, or the procuring of others so to conceal the Death thereof, that it may not come to Light, whether it were born alive or not, but be concealed. In every such Case, the Mother so offending, shall suffer Death, as in Case of Murder: except such Mother can make Proof by one Witness at the least, that the Child whose Death was by her so intended to be concealed, was born dead.

## CHAP. V.

## An Act against High Treason.

Compassing or imagining the Death of the King, &c.

BE it enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That if any Person or Persons shall compass or imagine the Death of Our Sovereign Lord the King, or of Our Lady his Queen, or of the Heir apparent to the Crown,

Levying War againſt the King.

Crown: Or if any Perſon ſhall levy War againſt Our Lord the King, or be adherent to the King's Enemies, giving them Aid and Comfort in the Realm, or elſewhere, and thereby be probably attainted of open Deed by his Peers, upon the Teſtimony of two lawful and credible Witneſſes upon Oath, brought before the Offender Face to Face, at the Time of his Arraignment, or voluntary Confeſſion of the Party arraigned. Or if any Perſon or Perſons ſhall counterfeit the King's Great Seal or Privy Seal, or the Seal of this Province, and thereof be duly convicted as aforeſaid: Then every ſuch Perſon and Perſons ſo as aforeſaid offending, ſhall be deemed, declared and adjudged to be Traitors, and ſhall ſuffer Pains of Death, and alſo looſe and forfeit as in Caſes of High Treaſon.

Counterfeiting the King's Great Seal, &c.

Trials to be regulated according to the Law of *England*, in Caſes of Treaſon, &c.

**And be it further enacted by the Authority aforeſaid**, That the Trial of all and every Perſon and Perſons whatſoever accuſed, indicted and proſecuted for high Treaſon and miſpriſion of ſuch Treaſon, ſhall be regulated according to the Act of Parliament made in the ſeventh Year of his preſent Majeſty's Reign, Intituled *An Act for Regulating of Trials in Caſes of Treaſon and miſpriſion of Treaſon*: And the Party ſo accuſed, indicted and proſecuted, to be allowed the Benefits and Privileges in and by the ſaid Act granted and declared.

## CHAP. VI.

## An Act in Addition to the Act for preventing of common Nuſances ariſing by Slaughter Houſes, Still-Houſes, &c.

Preamble. 4 *W. & M.* ca. 9, and References.

*FOR the better preventing of Deſolation by Fire, that may happen by drawing of Spirits, or melting down of Tallow:*

Court of Quarter-Seſſions impowered to cauſe Stills for drawing of Spirits, or Furnaces for melting of Tallow ſet up without Order, to be taken down.

**Be it enacted by the Lieutenant Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame**, That if any Diſtiller or Tallow-Chandler ſhall preſume to ſet up any Still or Stills for the drawing of Spirits, Copper or Furnace for the melting of Tallow, or make Uſe of any Still, Copper or Furnace for either of the ſaid Ends in any Houſe or Place, other than ſuch as are or from Time to Time ſhall be aſſigned for that Purpoſe by the Select-men of the Town, with two or more Juſtices of the Peace, contrary to the Intent of the ſaid Act; every Perſon and Perſons ſo offending, and being thereof duly convicted before his Majeſty's Juſtices in the Court of General Seſſions of the Peace within the ſame County, ſhall not only incur the Penalty or Fine in the ſaid Act mentioned; but ſhall alſo enter into Recognizance to take down ſuch Stills, Coppers or Furnaces; and in Default of entring into Recognizance as aforeſaid, to be committed to Priſon until he do cauſe the ſame to be taken down; or elſe ſuch Stills, Coppers or Furnaces ſhall be taken down by Order of the ſaid Court; and the Charge thereof to be levied by Diſtreſs and Sale of ſuch Offenders Goods, returning the Overplus, if any be.

## CHAP. VI.

## An Act in Addition to the Act for Regulating Ferries.

Preamble. 6 *W. & M.* ca. 6.

*WHEREAS there is a conſtant Recourſe of Travellers and others for Paſſage over the Ferries betwixt* Boſton *and* Charleſtown, *and betwixt* Boſton *and* Winneſimit: *Therefore for Prevention of the great Inconvenience and Damage that doth or may happen to Perſons by being hindred and delayed at the ſaid Ferries, for want of ſpeedy Tranſportation over the ſame:*

Stated Hours for the Ferry Boats paſſing at *Winneſimit* Ferry. 4 *G.* ca. 4.

**Be it enacted by the Lieutenant Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame**, That the Perſon or Perſons that are, or from Time to Time ſhall be employed for keeping *Winneſimit* Ferry, ſhall conſtantly maintain a good Boat

or

or Boats, in good Repair, ſuitable for the ſaid Ferry on each Side of the Water; and that ſuch Boats whether there be any Paſſengers in the ſame or not, ſhall put off from their reſpective Shores to go to the other Side, upon each Day in the Week (the Lord's Day excepted) at the Hours of five, ſeven, nine and eleven a Clock before Noon; and at one, three, five and ſeven of the Clock after Noon, throughout the whole Year, ſo as it be within Day-Light; on Pain that every ſuch Ferry-man or Ferry-men being complained of and convicted before any one or more of his Majeſty's Juſtices of the Peace of Neglect of his Duty, in not croſſing the ſaid Ferry at the ſeveral Times and Hours before-mentioned, ſhall forfeit and pay the Sum of *twenty Shillings*; one Half to the Informer or Complainant, and the other Half to the Uſe of the Poor of the Town of *Boſton*. And ſuch Juſtice or Juſtices, may reſtrain the Offender or Offenders, until he or they ſhall pay the ſaid Sum.

Penalty for Ferry-Mens Neglect.

And be it further enacted, That all Poſts and Expreſſes for his Majeſty's Service, and other Perſons having extraordinary Buſineſs; as in Caſes concerning Life and Death, ſhall be ſpeedily tranſported over the ſaid Ferry, at any Time or Seaſon, without Delay; on the Penalty aforeſaid: Any Thing herein before contained to the contrary notwithſtanding.

Poſts &c to be ſpeedily tranſported.

*Provided nevertheleſs*, That ſuch Ferry man or Ferry-men ſhall not be obliged to put off from their reſpective Shores and paſs the ſaid Ferry, at any of the Times or Hours before ſtated, if it manifeſtly appear to be hazardous for them ſo to do, by Reaſon of any Storm or Tempeſt; or that in the Winter the Ice do hinder the paſſing of any Boat a-croſs the ſaid Ferry.

Saving for ſtormy Seaſons.

And be it further enacted by the Authority aforeſaid, That when and ſo often as it ſhall happen, that the Boats employed for the Ferry between *Boſton* and *Charleſtown*, ſhall be on the ſame Shore, upon the Landing of the ſecond Boat, the firſt ſhall forthwith put off and paſs over to the other Side, Paſſengers or no Paſſengers; on the like Penalty herein before expreſſed, and to be diſpoſed of as aforeſaid; to the Uſe of the Poor of *Boſton* or *Charleſtown* reſpectively.

At *Charleſtown* Ferry, two Boats not to lie on the ſame Shore. 9 *A.* ca. 1. 4 *G.* ca. 4. 11 *G.* ca. 4.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of the Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and held at *Boſton*, the twenty-ſixth Day of *May*, 1697.

## CHAP. I.

## An Act relating to Town Rates or Aſſeſsments.

Preamble.

WHEREAS *divers Conſtables and Collectors of Town Rates or Aſſeſsments, are defective and negligent of their Duty in not timely paying of the ſame, as by the Warrants or Eſtreats to them committed they are required:*

For Redreſs whereof:

4 *W&M.* ca. 13. 13 *W.* ca. 18. 9 *A.* ca. 5.

Be it enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That the Conſtables or Collectors within the ſeveral Towns in this Province, who have had, or hereafter ſhall have, any Rates or Aſſeſsments for the defraying of Town Charges, orderly made and committed unto them to collect, the Accounts and Payment whereof are not iſſued; or that at any Time or Times hereafter ſhall not pay in and iſſue their Accounts thereof with the Treaſurer of ſuch Town, or other Perſon appointed by the Select-men to be a Receiver of the ſame, by the Time prefix'd in the Warrants to them reſpectively given for the collecting and paying in thereof, or within the ſpace of one Month next after the Expiration thereof; every ſuch defective Conſtable or Collector, ſhall be liable to the Action or Suit of the Treaſurer or Receiver of ſuch Town: And ſuch

Conſtables or Collectors of Town Rates not iſſuing their Accounts thereof by the Time prefix'd in their Warrants to be liable to Suit. 11 *G.* ca 2. 4 *G* 2. ca. 1. 19 *G.* 2. ca. 1. 30 *G.* 2. ca. 1.

such Treasurer or Receiver, is hereby impowered and authorized to sue for and recover all such Rates and Assessments, or any Arrears thereof, of and from the Constables or Collectors respectively to whom the same were committed, and that have or shall neglect their Duty in that Regard; by Action, Bill, Plaint or Information, in any of his Majesty's Courts of Record: Any Law, Usage or Custom to the contrary notwithstanding.

## CHAP. II.

### An Act impowering Justices of the Peace to decide Differences not exceeding *Forty Shillings*.

Justices of the Peace to grant Summons, Capias or Attachment, for Matters triable before them. 27 G. 2 ca. 1.

BE it enacted and ordained by the Lieutenant Governor, Council and Representatives, convened in General Assembly, and it is hereby enacted and ordained by the Authority of the same, That all Manner of Debts, Trespasses and other Matters, not exceeding the Value of *Forty Shillings* (wherein the Title of Land is not concerned) shall and may be heard, tried, adjudged and determined, by any of his Majesty's Justices of the Peace within this Province, in their respective Precincts; who are hereby impowered, upon Complaint made of any such Debt, Trespass or other Matter, as aforesaid, to grant Summons, Capias or Attachment, against the Party complained of, directed to the Sheriff or Marshal of the County; or either of their Deputies, or Constables of the Town wherein such Party lives: For which Summons, Capias or Attachment, the Justice shall be paid *one Shilling*; and the Officer for serving the same, *one Shilling*, and no more. And in Case of Non-appearance upon Summons duly served, being so returned by the Officer; such Justice may issue out a Warrant of Contempt directed to the Sheriff, or Marshal or other Officer as aforesaid, to bring the Contemner before him, as well to answer the said Contempt as the Plaintiff's Action, and may (if he see Cause) fine such Contemner, not exceeding *Ten Shillings*, to be accounted for to the Treasurer of the County towards defraying of County Charges: And after Judgment given in any Case, may grant an Execution or Warrant of Distress directed to the Sheriff or Marshal or other Officer as aforesaid, to levy the said Fine, Debt or Damage, with Charges, upon the Defendants Goods or Chattels. And such Officer by Virtue thereof shall expose the same to Sale, returning the Overplus (if any be) to the Defendant; and for want of such Distress to take the Body of the Defendant, and him to carry and convey to the common Goal of the County or Precinct, there to remain until he hath satisfied the said Fine, Debt or Damage, with Charges. And in Case such Complainant be Non-suited, or Judgment pass against him, then the said Justice is hereby impowered to assess to the Defendant reasonable Costs against such Complainant, to be levied and recovered in Manner and Form above expressed.

Fee for a Writ and Serving.

Fine for Contempt in not appearing upon Summons.

Writs to be served seven Days before Trial.

*Provided always*, That all Summons, Capias or Attachment before such Justice of the Peace, shall be served and executed at least seven Days before the Time of Trial or Hearing.

Party aggrieved to appeal to the Inferiour Court.

*Provided also*, That the Party aggrieved shall have Liberty to appeal to the next Inferiour Court of Common Pleas to be holden for the same County, he entring into Recognizance with one sufficient Surety in the Value of the Debt or Damage sued for, and sufficient to answer all Costs to prosecute the said Appeal there with Effect, and to abide the Order of the said Court, where such Case shall be tried, and receive a final Issue and Determination.

Party appealing to bring the whole Case.

And the Party appealing shall bring the Copies of the whole Case to the Court appealed to, where each Party shall be allowed the Benefit of any further Plea or Evidence; and if upon such new Plea or Evidence the Judgment happen to be reversed, the Appellant shall have no Costs granted for the first Trial, and such Appellant shall also give in the Reasons of his Appeal unto the Justice appealed from in writing seven Days inclusively before the sitting of the Court appealed to. And all Justices are hereby required to keep fair Records of all their Proceedings from Time to Time.

Reasons of Appeal to be given in seven Days before the Trial.

And

And be it further enacted by the Authority aforeſaid, That the Clerk of any Town within this Province may and hereby is impowred to grant Replevins, Summons or Attachment for any Matter or Cauſe triable before any Juſtice of the Peace, and Summons for Witneſſes; and to direct the ſame to the Conſtables of ſuch Town, or to the Party to be ſummoned for Witneſſes reſpectively; and the Conſtable or Conſtables are hereby required to execute ſuch Replevins, Summons or Attachments accordingly, and to make due Return thereof. Clerks of Towns to grant Replevin, &c.

## Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of the Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and held at *Boſton* the twenty-ſixth Day of *May*, 1697. And continued by ſeveral Prorogations until the thirteenth of *October* following.

### CHAP. III.

### An Act againſt Murder.

BE it enacted by the Lieutenant Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That whoſoever ſhall commit wilful Murder upon premeditated Malice or Hatred; and be thereof convicted; the Perſon or Perſons ſo offending ſhall be put to Death. 8 *W.* ca. 4.

### CHAP. IV.

### An Act againſt Raviſhment or Rape.

BE it enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That if any Man ſhall raviſh any Woman, committing carnal Copulation with her by Force againſt her Will: Or if any Man ſhall unlawfully and carnally know and abuſe any Woman-Child under the Age of ten Years; every Perſon and Perſons offending in either of the Caſes before-mentioned, being thereof convicted, ſhall be accounted Felons, and ſhall be adjudged to ſuffer the Pains of Death, as in Caſes of Felony.

### CHAP. V.

### An Act for the Puniſhment of Buggery.

FOR *avoiding of the deteſtable and abominable Sin of Buggery with Mankind or Beaſt, which is contrary to the very Light of Nature:* Preamble.

Be it enacted and declared by the Lieutenant Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, it is enacted, That the ſame Offence be judged Felony, and ſuch Order and Form of Proceſs therein to be uſed againſt the Offenders as in Caſes of Felony: And that every Man being duly convicted of lying with Mankind as he lieth with a Woman: And every Man or Woman that ſhall have carnal Copulation with any Beaſt or bruit Creature; the Offender and Offenders in either of the Caſes before mentioned, ſhall ſuffer the Pains of Death; and the Beaſt ſhall be ſlain and burned.

## CHAP. VI.

## An Act against Atheism and Blasphemy.

BE it declared and enacted by the Lieutenant Governour, Council and Representatives, convened in General Court or Assembly, and it is enacted by the Authority of the same, That if any Person shall presume wilfully to blaspheme the holy Name of God; Father, Son, or Holy Ghost; either by denying, cursing or reproaching the true God; his Creation or Government of the World: or by denying, cursing, or reproaching the holy Word of God; that is, the canonical Scriptures contained in the Books of the Old and New Testament; namely *GENESIS, Exodus, Leviticus, Numbers, Deuteronomy, Joshua, Judges, Ruth, Samuel, Samuel, Kings, Kings, Chronicles, Chronicles, Ezra, Nehemiah, Esther, Job, Psalms, Proverbs, Ecclesiastes, The Song of Solomon, Isaiah, Jeremiah, Lamentations, Ezekiel, Daniel, Hosea, Joel, Amos, Obadiah, Jonah, Micah, Nahum, Habakkak, Zephaniah, Haggai, Zechariah, Malachi: MATTHEW, Mark, Luke, John, Acts, Romans, Corinthians, Corinthians, Galatians, Ephesians, Philippians, Colossians, Thessalonians, Thessalonians, Timothy, Timothy, Titus, Philemon, Hebrews, James, Peter, Peter, John, John, John, Jude, Revelation:* Every one so offending shall be punished by Imprisonment, not exceeding six Months, and until they find Sureties for the good Behaviour; by sitting in the Pillory; by Whipping; boaring thorow the Tongue with a red hot Iron; or sitting upon the Gallows with a Rope about their Neck; at the Discretion of the Court of Assize, and General Goal Delivery, before which the Trial shall be; according to the Circumstances, which may aggravate or alleviate the Offence.

*Provided,* That not more than two of the fore-mentioned Punishments shall be inflicted for one and the same Fact.

## CHAP. VII.

## An Act for Registring of Deeds and Conveyances.

Preamble.

FOR the Prevention of Clandestine and uncertain Sales of Houses and Lands: And to the Intent it may be the better known what Right, Title or Interest Persons have in or to such Estates as they shall offer to Sale:

Deeds executed by Signing Sealing Acknowledgment & Record, to be valid. 8 *W.* ca. 3.

Be it enacted and declared by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That henceforth all Deeds or Conveyances of any Houses or Lands within this Province, signed and sealed by the Party or Parties granting the same, having good and lawful Right or Authority thereto, and acknowledged by such Granter or Granters before a Justice of the Peace, and recorded at Length in the Registry of the County where such Houses or Lands do lie; shall be valid to pass the same, without any other Act or Ceremony in the Law whatsoever.

No Bargain, Sale, &c. made three Months next after this Act to be good against any, but the Granter, without being Acknowleged and Recorded.

And that from and after three Months next after Publication of this Act, no Bargain, Sale, Mortgage or other Conveyance of Houses or Lands made and executed within this Province, shall be good and effectual in Law to hold such Houses or Lands against any other Person or Persons, but the Granter or Granters, and their Heirs only; unless the Deed or Deeds thereof be acknowledged and recorded in Manner as is before expressed.

Proof of a Deed by Witnesses, in case, to be equivalent to Acknowledgment.

*Provided nevertheless,* That when and so often as it shall happen any Granter to live in Parts beyond Sea, or to be removed out of this Province, or to be dead before any Deed or Conveyance by him or her made, be acknowledged as aforesaid; in every such Case, the Proof of such Deed or Conveyance made by the Oaths of two of the Witnesses thereto subscribed, before any Court of Record within this Province, shall be equivalent to the Parties own Acknowledgement thereof.

And

And be it further enacted by the Authority aforesaid, That if any Granter or Vender of any Houses or Lands shall refuse to acknowledge as is aforesaid, any Grant, Bargain, Sale, or Mortgage by him or her signed and sealed, being thereunto required by the Grantee or Vendee, his, her, or their Heirs or Assigns; it shall be lawful for any Justice of the Peace within the County where such Granter or Vender lives, upon Complaint made, to send for the Party so refusing; and if he or she persist in such Refusal, to commit him or her to Prison without Bail or Mainprize, until such Party shall acknowledge the same: It being first made appear and proved to be the Act and Deed of the same Party by the Oath of one or more of the Witnesses thereto subscribed; and such Grantee or Vendee filing a Copy of his Deed so proved in the Register's Office, shall thereby secure his Title in the mean Time, and the same shall be accounted sufficient Caution to every other Person and Persons against purchasing the Estate in such Deed mentioned to be granted. Penalty for Persons refusing to Acknowledge their Deeds.

*Provided*, That nothing in this Act shall be construed, deemed or extended to bar any Widow of any Vender or Mortgager of Lands or Tenements, from her Dower or Right in or to such Lands or Tenements, who did not legally join with her Husband in such Sale or Mortgage, or otherwise lawfully bar or exclude her self from such her Dower or Right. Saving for Dower.

And it is further enacted by the Authority aforesaid, That any Mortgagee of any Lands or Tenements, his or her Heirs, Executors or Administrators having received full Satisfaction and Payment of all such Sum and Sums of Money as are really due to him by such Mortgage; shall at the Request of the Mortgager, his Heirs, Executors or Administrators acknowledge and cause such Satisfaction and Payment to be entred in the Margin of the Record of such Mortgage in the Register's Office, and shall sign the same, which shall for ever thereafter discharge, defeat and release such Mortgage, and perpetually bar all Actions to be brought thereupon in any Court of Record. And if such Mortgagee, his or her Heirs, Executors or Administrators shall not within ten Days next after Request in that Behalf made, and Tender of his, her or their reasonable Charges; repair to the Register's Office, and there make and sign such Acknowledgement as aforesaid, or otherwise sign and seal a Discharge of the said Mortgage, and Release and Quit-Claim to the Estate therein mentioned to be granted, and acknowledge the same before a Justice of Peace, he, she, or they so refusing, shall be liable to make good all Damages for want of such Discharge or Release: to be recovered by Action or Suit in any Court of Record. And in Case Judgment pass against the Party so sued, he, she or they so cast, shall pay unto the adverse Party treble Costs arising upon such Suit. How Mortgages shall be discharged.

And be it further enacted and declared by the Authority aforesaid, That the Clerk of the Inferiour Court of Pleas in each respective County, shall also be the Register of Deeds and Conveyances, and shall fairly enter and record at Length all Deeds, Conveyances and Mortgages of any Lands, Tenements, Rents and other Hereditaments, lying and being within the same County, made, executed, acknowledged or proved in Manner as is aforesaid, which shall be brought to him to Record; and shall on Receipt thereof into the Office, note thereupon the Day, Month and Year when he received the same; and the Record shall bear the same Date. And every such Register before he execute the said Office, shall be Sworn before one or more of the Justices of such Court, well, truly and faithfully to execute the same. And it shall and may be lawful to and for every Register aforesaid, to ask and receive for entring and recording any Deed, Conveyance or Mortgage, *twelve Pence* for the first Page, and *eight Pence* a Page for so many Pages more as it shall contain, and no more; accounting after the Rate of twenty-eight Lines, of eight Words in a Line to each Page, and proportionably for so much more as shall be under a Page, and *six Pence* for his Attestation on the Original, of the Time, Book and Folio where it is recorded: and for Discharge of a Mortgage as aforesaid, *one Shilling*, and no more. 1 *G.* ca. 4. 7 *G* ca. 5. 12 *G.* ca 3. Clerk of the Inferiour Court to be Register of Deeds. to be sworn. Registers Fees.

And be it further enacted and declared by the Authority aforesaid, That all Deeds of Bargain, Sale or Mortgage heretofore made and executed, according to former Laws and Usage, shall be valid and effectual. Deeds executed according to former Laws & Usage valid.

## CHAP. VIII.

## An Act of Limitation for Quieting of Poſſeſſions.

Preamble.

*WHEREAS a good and beneficial Act was made by the late Governour and Company of the Colony of the* Maſſachuſetts-Bay, *in the Year of Our Lord God, One Thouſand ſix Hundred fifty ſeven, in the Words following: That is to ſay,* 'That any Perſon or Perſons that hath 'either himſelf or by his Grantees or Aſſigns before the Law made for Direction 'about Inheritances, bearing Date *October* the nineteenth, One Thouſand ſix 'Hundred fifty and two, poſſeſſed and occupied as his or their own proper Right 'in Fee-ſimple, any Houſes or Lands within this Juriſdiction, and ſhall ſo con-'tinue, whether in their own Perſons, their Heirs or Aſſigns, or by any other 'Perſon or Perſons from, by or under them, without Diſturbance, Lett, Suit, 'or Denial legally made by having the Claim of any Perſon thereto entred with 'the Recorder of the County where ſuch Houſes or Lands do lie, with the 'Names of the Perſons ſo claiming, and the Quantity, Bounds of the Lands 'or Houſes claimed, and ſuch Claim proſecuted to Effect within the Term of 'five Years next after the twentieth of *May* One Thouſand ſix Hundred and 'fifty ſeven: Every ſuch Proprietor, their Heirs and Aſſigns ſhall for ever 'after enjoy the ſame without any lawful Lett, Suit, Diſturbance or Denial by 'any after Claim of any Perſon or Perſons whatſoever; any Law or Cuſtom to 'the contrary notwithſtanding.' *Which afore-recited Act having by Experience been found to be of great Benefit and Service to his Majeſty's Subjects within the ſaid Colony, and preventing many Conteſts and Law-Suits which otherwiſe would have riſen by Reaſon of a Neglect in many Perſons to obſerve a legal Courſe and Method for the paſſing and Confirmation of Sales and Alienations.*

*And whereas ſundry Perſons having a juſt and equitable Right and Title unto Eſtates in Houſing or Lands, either acquired by Purchaſe, or otherwiſe accruing unto or ſettled upon them ſince the paſſing of the afore-recited Act; may want formal Conveyances and Aſſurances in the Law for the ſame; or the Deeds, Inſtruments, or other Writings concerning ſuch Eſtates may be defective, or imperfectly made and executed, whereby ſuch Perſons may be in Danger of being deprived and evicted out of their honeſt and juſt Rights and Poſſeſſions:*

For Prevention whereof, and for the further Quieting of Poſſeſſions, and Setling of Titles:

Quiet Poſſeſſion from the firſt of *October* 1692, until the firſt of *October* 1704, to give a Right

Be it enacted and declared by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That every Perſon and Perſons who were poſſeſſed in his and their own proper Right of any Houſes or Lands within this Province upon the firſt Day of *October*, in the Year of our Lord God, One Thouſand ſix Hundred ninety two, and all others deriving from, by or under him or them, continuing the Poſſeſſion of ſuch Houſes or Lands until the firſt Day of *October*, which will be in the Year of our Lord God, One Thouſand ſeven Hundred and four, without Moleſtation or Diſturbance by Claim made thereto, and Action brought and proſecuted for the ſame with Effect; ſhall by Virtue of ſuch Poſſeſſion, have hold and enjoy ſuch Houſes or Lands unto him or them, his and their Heirs and Aſſigns for ever in Fee. And all Actions and Proceſs to be thereafter brought for the ſame, are hereby excluded and for ever debarred.

Saving for the King's Right.

*Provided always*, That there ſhall be a Saving of his Majeſty's Rights, and all publick Lands belonging to the Province, not orderly diſpoſed of.

Other Savings.

*Provided alſo*, That this Act ſhall not be underſtood to bar the Title of any Infant, *Feme Covert*, or Perſon *non compos mentis*, Impriſoned, or in Captivity; who ſhall be allowed the Term of ſeven Years next after ſuch Imperfection removed to purſue their Claim or Challenge to any Houſes or Lands, wherein they have Intereſt or Title: And the like Time of ſeven Years ſhall be allowed to Perſons having an Eſtate in Reverſion in any Houſes or Lands from the Time ſuch Reverſion falls, to recover their Right; and Perſons beyond Sea ſhall be allowed the Term of ten Years from the Publication of this Act to purſue their Claim or Challenge to any Houſes or Lands as aforeſaid.

*And*

*And forasmuch as divers Towns and Settlements in the Eastern Parts of this Province have been deserted and broken up by Reason of the Rebellion and War made by the* Indians; *and sundry Persons in other the Frontier Towns, particularly enumerated in an Act of the General Assembly, have by Means thereof been driven from their Habitations and Improvements*: Preamble.

Be it therefore further provided and declared by the Authority aforesaid That the Limitation of Time for the Continuance of Possession by this Act prefixed, shall not extend or be understood to extend unto any Houses or Lands lying to the Eastward of *Piscataqua* River, or in other the Frontiers: but the same Time shall be, and hereby is enlarged and lengthened out for the space of five Years next after the ending of the War with the *Indians*; during which space all Persons may pursue their Right and Claim to any Houses and Lands lying in those Parts and Places and every of them. And that no Person or Persons pretending Right or Title in or to any Lands lying within this Province purchased of any *Indian* or *Indians*, without orderly Allowance and Confirmation thereof had, according to former Laws and Usage of the several late Colonies of *Massachusetts* and *New-Plymouth*, and *Province of Maine* respectively; shall have or receive any Benefit by this Act with Reference to such Lands.

Five Years Time allowed from & after the ending of the War with the *Indians*, to lay claim to Lands lying to the Eastward of Piscataqua River, & in other the Frontiers. 1 *G.* ca. 6.

Lands purchas'd of *Indians* without orderly Allowance &c. are not confirmed by this Act.

# Acts and Laws,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England*, Begun and held at *Boston*, the twenty-fifth Day of *May*, 1698.

## CHAP. I.

## An Act to prevent Incroachments upon High Ways, Streets, &c.

FORASMUCH *as divers Incumbrances and Incroachments have been made in and upon the common Roads, High Ways and Streets heretofore laid out in several Towns within this Province*: Preamble.

For Redress whereof:

Be it enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That henceforth no Edifice, Building or Fence whatsoever, shall be raised, erected, built, or set up in, upon, or over any of the said Roads, High Ways, Streets, Lanes or Alleys, in any Town within this Province, or any Part of any of them, whereby to straiten the Passage, or any Ways lessen the full Breadth of any such Roads, High Ways, Streets, Lanes or Alleys. And if any Edifice, Building or Fence whatsoever shall be raised, erected, built or set up, upon, in or over any such Road, High Way, Street or Alley, contrary hereunto; every such Edifice, Building or Fence shall be deemed and held to be a common Nusance: And the Court of General Sessions of the Peace for the County in which such Town doth lie, upon Complaint, and making out the same before them, are hereby impowred to Order and Cause such Edifice, Building or Fence to be taken down, demolished and removed; and also to cause to be removed all such Incroachments, or Incumbrances as heretofore have been made, upon, in or over any common Road, High Way or Street as aforesaid; and the Charge thereof to be answered and paid by disposing of so much of the Materials, as shall be necessary to satisfy the same. 5 *W.* & *M* ca. 8. 7 & 8 *G.* 2. ca. 3.

*Provided nevertheless*, That this Act shall not be intended or construed to intend the prohibiting of the setting up of any Conduit, Watch-House, Cage or Stocks, for publick Use, in or upon any High Way or Street within any Town.

CHAP.

## CHAP. II.

## An Act for Regulating of Tanners, Curriers, and Cordwainers.

Preamble.

*FOR the better preventing of Deceits and Abuſes by Tanners, Curriers, and Dreſſers, or Workers up of Leather :*

7 *W. & M.* ca. 9. 1 *A.* ca. 1. No Butcher, Currier or Shoe-maker, to be a Tanner.

**Be it enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame,** That no Perſon or Perſons whatſoever uſing or occupying the Feat or Myſtery of a Butcher, Currier or Shoe-maker, by himſelf or any other, ſhall uſe or exerciſe the Feat or Myſtery of a Tanner; on Pain of the Forfeiture of *ſix Shillings and eight Pence* for every Hide or Skin by him or them ſo tanned, whilſt he or they ſhall uſe or occupy any of the Myſteries aforeſaid. Nor ſhall any Tanner during his uſing the ſaid Trade of Tanning by himſelf or any other, uſe or occupy the Feat or Myſtery either of Butcher, Currier or Shoe-maker; upon Pain of the like Forfeiture as aforeſaid. And no Butcher whatſoever by himſelf or any other Perſon, ſhall gaſh or cut any Hide of Ox, Bull, Steer or Cow, in fleaing thereof, or otherwiſe, whereby the ſame ſhall be impaired or damaged; on Pain of forfeiting *twelve Pence* for every gaſh or cut in any ſuch Hide or Skin.

No Tanrer to uſe the Trade of Butcher, Currier or Shoemaker.

No Tanner to offer or put to Sale any Leather inſufficiently tanned.

**And be it further enacted by the Authority aforeſaid,** That no Perſon or Perſons whatſoever uſing, or which ſhall uſe the Myſtery or Faculty of Tanning, ſhall at any Time or Times hereafter, offer to put to Sale any Kind of Leather which ſhall be inſufficiently tanned, or which have been over-limed, or burnt in the Limes; or which ſhall not have been after the Tanning thereof well and throughly dried; or that ſhall not be ſealed as in and by this Act is hereafter directed; upon Pain of forfeiting the whole Hide, half Hide or other Piece of ſuch Leather, ſo offered or put to Sale. And no Perſon or Perſons whatſoever uſing, or that ſhall hereafter uſe the Myſtery or Faculty of Tanning, ſhall ſet any of his or their Fatts in Tan-Hills or other Places where the Woozes or Leather put to tann in the ſame, ſhall or may take any unkind Heats, nor ſhall put any Leather into any hot or warm Woozes whatſoever, on Pain of forfeiting *Twenty Pounds* for every ſuch Offence.

No unkind Heats to be uſed in Tanning.

No Leather to be curried that is not ſealed.

**And be it further enacted by the Authority aforeſaid,** That no Perſon or Perſons whatſoever, uſing or occupying, or that ſhall hereafter uſe or occupy the Myſtery or Faculty of Currying, ſhall or may curry any Kind of Leather, except it be ſealed, as is herein after provided; nor ſhall curry any Hide being not throughly dried after his wet Seaſon, in which wet Seaſon he ſhall not uſe any ſtale Urine, or any other deceitful or ſubtle Mixture, Thing, Way or Means to corrupt or hurt the ſame; nor ſhall curry any Leather meet for outer Sole Leather, with any other than good hard Tallow, nor with any leſs of that than the Leather will receive; nor ſhall curry any Kind of Leather meet for upper Leather and inward Soles, but with good and ſufficient Stuff, being freſh and not Salt, and throughly Liquored till it will receive no more; nor ſhall burn or ſcal'd any Hide or Leather in the currying, but ſhall work the ſame ſufficiently in all Points and Reſpects: on Pain of forfeiting for every ſuch Offence or Act done contrary to the true Intent and Meaning hereof, every ſuch Hide marred or hurt by his evil Workmanſhip or handling.

Penalty on Curriers for marring or hurting any Hide by evil workmanſhip.

Penalty on Shoe-makers for working up inſufficient Leather.

**And be it further enacted by the Authority aforeſaid,** That no Perſon or Perſons uſing or that ſhall hereafter uſe or occupy the Myſtery or Faculty of a Shoemaker or Cordwainer, ſhall work up into Shoes, Boots or other Wares, any Leather that is not tanned and curried in Manner as aforeſaid; nor ſhall uſe any Leather made of Horſes Hide, for the inner Soles of any ſuch Shoes or Boots; on Pain of forfeiting all ſuch Shoes, Boots, or other Wares made or wrought up of ſuch inſufficient Leather.

*And for the more effectual Execution of this Act :*

**Be it enacted by the Authority aforeſaid,** That all Leather that is or ſhall hereafter be tanned or curried, ſhall before the ſame paſs out of the Tanners or Curriers

Curriers Yard, Houſe or Place reſpectively where it was wrought; be viewed by the ſworn Searchers and Sealers of Leather by Law directed to be annually choſen in ſuch Towns where there ſhall be Need, who ſhall have two ſeveral Marks or Seals, to be prepared by each Town for that Purpoſe, with one of which they ſhall Seal all ſuch Leather as they ſhall find well and ſufficiently tanned in all Reſpects as aforeſaid; and with the other, all ſuch Leather as they ſhall find well and ſufficiently curried as is before mentioned, and no other. And the ſaid Searchers and Sealers ſhall, and hereby are authorized and impowered *ex officio*, to make Search and View in any Houſe, Shop, Warehouſe or other Place within the Limits of their reſpective Precincts where they conceive any Leather to be, whether wrought into Shoes, Boots, or other Wares, or not, as oft as they ſhall think meet, or as there ſhall be Need. And if the ſaid Searchers and Sealers, or any of them, ſhall find any Leather ſold or offered to be ſold, brought or offered to be Searched and Sealed, which ſhall be tanned, curried, handled or uſed contrary to the true Intent and Meaning of this Act: or ſhall find any Leather in whole Sides out of the Poſſeſſion of a Tanner, not being ſealed with the Mark or Seal to be uſed for Leather only tanned; or out of the Poſſeſſion of a Currier, not being ſealed with the Mark or Seal to be uſed for Leather when curried: In every ſuch Caſe it ſhall and may be lawful for the ſaid Searchers and Sealers, or any of them, to ſeize all ſuch inſufficient or unſealed Leather, whether it be wrought up into Wares, or not. And if the Owner or Claimer thereof ſhall not ſubmit to the Judgment of the Officer or Officers that ſeized the ſame, ſuch Officer or Officers ſhall retain ſuch Leather in his or their Cuſtody, until Trial thereof be had as is hereafter directed, and Judgment thereon given. And in ſuch Caſe, the ſaid Officer or Officers ſhall within three Days next after ſuch Seizure inform ſome Juſtice of the Peace thereof, who ſhall thereupon appoint four or ſix Men, honeſt and ſkilful in Leather, to view the ſame in Preſence of the Owner or Claimer, or without him (if having Notice) he does not appear; and to report unto him upon their Oaths the Defects which they find in the ſaid Leather: Which Report ſuch Juſtice ſhall return unto the Court or Juſtice reſpectively before whom the Trial of the ſaid Leather ſhall be. But in Caſe the ſaid Viewers ſhall Report that they do not find ſuch Leather or Wares ſo ſeized, in any Reſpect defective according to the Intent of this Act; the Juſtice that appointed ſuch Viewers ſhall cauſe the ſame to be forthwith diſcharged from the Seizure made by ſuch Officer or Officers.

All Leather to be ſealed before it paſs out of the Poſſeſſion of Tanners or Curriers.

Sealers *ex officio* to ſearch and view Leather.

To ſeize all inſufficient or unſealed Leather.

Tryers to be appointed.

And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons whatſoever ſhall or may withſtand or reſiſt the Searchers and Sealers in the due Execution of their Office, nor in the ſeizing of any inſufficient Leather or Wares; on pain of forfeiting the Sum of *five Pounds* for every ſuch Offence. And the Fee for ſearching and ſealing of Leather ſhall be *one Penny* per Hide for any Parcel leſs than five; and for all other Parcels after the Rate of *ſix Pence* per Dickar; which Fee the Tanner and Currier reſpectively ſhall pay upon ſealing the ſaid Leather from Time to Time; and ſhall alſo pay *three Pence* per Mile for every Mile any Sealer or Searcher ſhall travel above one, for which he is not to be allowed any thing.

Penalty for reſiſting the Searchers.

Fee for Sealing.

And no Sealer or Searcher of Leather ſhall refuſe within convenient Time to do his Office; or ſhall allow any Leather or Wares which are not ſufficient; on pain of forfeiting *forty Shillings*; nor ſhall take any Bribe or exact more than his due Fees; on pain of forfeiting the Sum of *ten Pounds* for every ſuch Offence.

Penalty on Sealers for neglect of Duty.

And be it further enacted by the Authority aforeſaid, That all Fines, Penalties and Forfeitures that ſhall ariſe and grow due by Vertue of this Act, or any Clauſe therein contained; ſhall accrue and be diſpoſed of in Manner following, *viz.* One third Part thereof to the Treaſurer of the County where the Offence is committed, for the defraying of County Charges; one third Part thereof to the Treaſurer or Select-men of the Town where the Offender inhabiteth, to the Uſe of the Poor of ſuch Town; and the other third Part to the Seizer or Seizers of ſuch inſufficient Leather, or to him or them that ſhall inform and ſue for the ſaid Fines, Penalties or Forfeitures; to be recovered by Action, Bill, Plaint or Information in any Inferiour Court of Common Pleas, or before any Juſtice of Peace, when the Matter doth not exceed the Value of *forty Shillings*.

Fines and Forfeitures how to be diſpoſed.

And

Curriers liable to make good the value of all Leather seized for ill Workmanship.

And it is further enacted by the Authority aforesaid, That when and so often as any Leather belonging to any Tanner or other Person shall be seized and become forfeit for any Defect of the Currier in his Workmanship about or handling of the same; such Currier shall be liable to make good unto the Tanner or other Owner of such Leather so seized and forfeited, the full Value thereof, with his just Costs and Damages, to be recovered by Action to be therefore brought against such Currier in any Inferiour Court of Common Pleas, or before any Justice of Peace, if the Value exceed not *forty Shillings*: For the better ascertaining of which Value, the Persons to be appointed as aforesaid for viewing the Defects in Leather, shall (when the same is seized for being marred or spoiled by the Currier) through his ill Workmanship or handling, be also appointed to estimate and judge the Value thereof, and make Report of the same, together with the Defects.

## CHAP. III.

## An Act for establishing the Form of the Writ and Precept for calling a Great and General Court or Assembly.

5 *W. & M.* ca. 11.

BE it enacted and ordained by the Lieutenant Governour, Council and Representatives, convened in General Assembly, and it is hereby enacted and ordained by the Authority of the same, That the Writ to be at any Time hereafter issued by the Governour or Commander in Chief of this Province for calling a Great and General Court or Assembly; as also the Precept to be issued by the Sheriff or Marshal in Observance thereof, to the Select-men of the several Towns, and their Return thereupon (when any Person or Persons shall be chosen to Represent them in the said Court) shall be the Forms following. *That is to say:*

Writ for calling a Great and General Court or Assembly.

*WILLIAM the Third by the Grace of GOD, of* England, Scotland, France *and* Ireland, *KING, Defender of the Faith*, &c.

*To Our Sheriff or Marshal of Our County of* S. *within Our Province of the* Massachusetts-Bay *in* New England. Greeting.

We Command, That upon Receipt hereof, you forthwith make out your Precept, directed unto the Select-men of each respective Town within your Precinct, requiring them to cause the Freeholders and other Inhabitants of their several Towns, duly qualified, as in and by Our Royal Charter is directed, to assemble at such Time and Place as they shall appoint, to elect and depute One or more Persons (being Freeholders and Resident in the same Town) according to the Number set and limitted, by an Act of the Great and General Court or Assembly of Our aforesaid Province, to Serve for and Represent them respectively in a Great and General Court or Assembly by Us appointed to be convened, held and kept for Our Service; at the Town-House in *Boston*, upon the Day of next ensuing the Date of these Presents; and to cause the Person or Persons so elected and deputed by the major Part of the Electors present at such Election, to be timely notified and summoned by the Constable or Constables of such Town, to attend Our Service in the said Great and General Court or Assembly, on the Day above prefixed, by Nine in the Morning, and so *De Die in Diem*, during their Session and Sessions; and to return the said Precepts with the Names of the Person or Persons so elected and deputed, unto your self: whereof you are to make Return, together with this Writ, and of your Doings therein, under your Hand, into Our Secretary's Office at *Boston*, one Day at the least before the said Court's sitting. Hereof you may not fail at your Peril. Witness and Commander in Chief, in and over Our Province of the *Massachusetts-Bay* aforesaid. Given at *Boston* under the publick Seal of Our said Province, the Day of In the Year of Our Reign. *Annoque Domini*

*By Command of*
*J. A.* Secr.

*Suffolk*

*Suffolk*, ss.

IN Obſervance of His Majeſty's Writ to me directed: Theſe are in His Majeſty's Name to Will and Require you forthwith to cauſe the Freeholders and other Inhabitants of your Town, that have an Eſtate of Freehold in Land within this Province or Territory, of *Forty Shillings* per Annum at the leaſt, or other Eſtate, to the Value of *Fifty Pounds* Sterling, To aſſemble at ſuch Time and Place as you ſhall appoint; then and there to elect and depute one or more Perſons (being Freeholders and Reſident in the ſame Town) according to the Number ſet and limited by an Act of the General Aſſembly, to Serve for and Repreſent them in a Great and General Court or Aſſembly, appointed to be convened, held and kept for His Majeſty's Service at the Town-Houſe in *Boſton*, upon the Day of next enſuing the Date hereof; and to cauſe the Perſon or Perſons ſo elected and deputed by the major Part of the Electors preſent at ſuch Election, to be timely notified and ſummoned by one or more of the Conſtables of your Town, to attend his Majeſty's Service in the ſaid Great and General Court or Aſſembly, on the Day above prefixed, by Nine in the Morning, and ſo *De Die in Diem*, during their Seſſion and Seſſions. Hereof fail not, and make Return of this Precept, with the Names of the Perſon or Perſons ſo elected and deputed, with their being Summoned, unto my ſelf Days at the leaſt before the ſaid Day of next. Given under my Hand and Seal at *B.* the Day of In the Year of His Majeſty's Reign. *Annoque Domini* *A. B.* *of the County of* Suffolk.

Precept to the Select-men, for Choice of Repreſentatives.

*To the Select-Men of the Town of* B. *in the County aboveſaid.* Greeting.

PUrſuant to the Precept within-written, the Freeholders and other Inhabitants of the Town of *B.* qualified as is therein directed, upon due Warning given, aſſembled and met together the Day of and then did elect and depute to ſerve for and repreſent them in the Seſſion and Seſſions of the Great and General Court or Aſſembly appointed to be convened, held and kept for His Majeſty's Service at the Town Houſe in *Boſton*, upon the Day of the ſaid Perſon being choſen by the major Part of the Electors preſent at ſaid Meeting, Dated in *B.* aforeſaid the Day of *Anno Domini*

Return to be indorſed on the Precept.

*The Perſon choſen as aboveſaid, notified thereof and ſummoned to attend accordingly, by me* A. B. *Conſtable of* B.

*A. B.*
*C. D.*
*E. F.*
} *Select-Men of* B.

## CHAP. IV.

## An Act for providing of Pounds, and to prevent Reſcous and Pound-Breach.

BE it enacted by the Lieutenant Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That there ſhall be a ſufficient Pound or Pounds made and maintained from Time to Time, in every Town and Precinct within this Province, in ſuch Part or Places thereof, as the Select-men ſhall direct and appoint, at the Coſt and Charge of ſuch Town or Precinct; for the impounding and reſtraining of all Swine, Cattel or Sheep, liable to be Impounded or Reſtrained, for any of the Cauſes herein after mentioned.

Each Town to maintain a ſufficient Pound. 2 *A.* ca. 3. 1 & 2 *G.* 2 ca. 3.

And that it ſhall and may be lawful to and for any other Perſon or Perſons as well as the Hawards or Field-Drivers, to take up and Impound, or cauſe to be impounded, any Swine, Neat Cattel, Horſes or Sheep, as ſhall be found damage feaſant in any Corn-Field, or other Incloſure; or Swine found unyoked or unringed; Neat Cattle, Horſes or Sheep going upon the Common, not allowed

For what Cauſes Cattel &c. are to be Impounded.

lowed to feed there by the major Part of the Propriety, who are impowred to permit the same; any Law to the contrary notwithstanding. And the Owners or Claimers of any such Creatures Impounded as aforesaid, shall pay the Fees set in and by an Act Intitled, *An Act for regulating of Fences, Cattel, &c.* unto the Pound-keeper, before they be delivered out of Pound; as also the Fee to the Party Impounding, and Damage to the Party injured; unless such Owner or Claimer shall think fit to Replevie his Creatures Impounded, and give sufficient Bond with one or more Sureties to prosecute the Replevin with Effect in Law, either before a Justice of the Peace, within fifteen Days inclusive from the Date of such Replevin, or at the next Inferiour Court of Common Pleas to be holden within the same County, according to the Value and Damages alledged to be suffered, and to pay all such Costs and Damages as shall be awarded against him.

Fee for Impounding. 5 *W & M.* ca. 9.

And every Person Impounding any Swine, neat Cattel, Horses or Sheep, shall give present Notice thereof unto the Owner, if known; or leave a Notification thereof in Writing at his House or Place of usual Abode: or if unknown, shall cause the same to be publickly cried or posted up in some publick Place in such Town, and in the two next neighbouring Towns, from whence it may be most likely such Creatures came. And shall also cause the Creatures so Impounded to be relieved with suitable Meat and Water; the Charge whereof shall be paid by the Owner or Owners; as also of the Crying of them, after the Rate of *three Pence* per Head, for a Number not exceeding Twelve; and no more than *three Shillings* for a greater Number. And if no Owner or Claimer appear within the space of three Days next after the Impounding of any such Creatures; then the Person or Persons so restraining of them shall proceed with them as the Law provides respecting Strays.

The Owner of Creatures Impounded to be notified thereof (if known) if not the Creatures to be cryed, and posted up.

Fee for Crying.

After three Days, to be proceeded with as Strays.

**And be it further enacted by the Authority aforesaid,** That if any Person or Persons shall rescue any Swine, neat Cattel, Horses or Sheep taken up as aforesaid, out of the Hands of the Haward, or other Person being about to drive them to the Pound; whereby the Party injured may be liable to lose his Damages, and the Law be eluded: the Party so offending, shall for such Rescous, forfeit and pay the Sum of *Forty Shillings* to the Use of the Poor of the Town or Precinct where the Offence is committed; besides all just Damages unto the Party injured; to be recovered by Action, Bill, Plaint, or Information in any of his Majesty's Courts of Record. And if any Person or Persons shall make any Pound-Breach; or by any other indirect Ways or Means howsoever, convey or deliver any Creatures Impounded, out of the Pound; the Party so offending being duly convicted thereof, shall forfeit and pay the Sum of *Five Pounds*, to the Use of the Poor of the Town or Precinct where the Offence is committed; as also all just Damages to the Party injured by such Creatures, to be had and recovered in Manner as aforesaid. And if such Rescous Pound-Breach, or conveying of Creatures out of the Pound, happen to be committed by any Apprentices or Persons under Age, not having of their own wherewith to satisfy the Law, and their Parents or Masters refuse to pay the Fine and Damages, which the Law in such Case does inflict; it shall and may be lawful to and for the Justices before whom such Action or Plaint shall be depending; upon a due Conviction of the Person or Persons complained of, and prosecuted for such Offence, to commit him or them to the next Goal in the County where the Offence is done, there to remain till Satisfaction be made as above-said: Or otherwise may punish such Offender by Imprisonment, not exceeding sixty Days, in Lieu of the Fine; and leave the Party injured to his Remedy at Law, to recover his Damage of the Parent or Master of such Child or Apprentice; which such Parent or Master respectively shall be liable to have recovered of him upon Action to be therefore brought; and Execution to be accordingly awarded upon Judgment given in that Respect.

Penalty for a Rescous.

Penalty for Poundbreach.

Committed by Apprentices or Persons under Age, how to be punished.

**And be it further enacted by the Authority aforesaid,** That when and so often as any Trespass or Trespasses shall be done in common or general Fields, not being sufficiently fenced in, as the Law directs; the Party injured shall forthwith procure two sufficient Persons of good Repute and Credit, to view and adjudge of the Damage done, giving Notice of such Trespass unto the Owner or Claimer of

Trespass done in common or general Fields. 5 *W. & M.* ca. 9.

of the Beaſt or Cattle that did the ſame (if known and Reſident in the ſame Town, or near by) that he may be preſent and nominate one of the Appraizers if he ſee Cauſe; and the Damage to be anſwered according to ſuch Eſtimation. The Owner of defective Fence, to make good Damages.

And where Damage happens through the Inſufficiency of the Fence, the Owner or Occupier of the Land to which the defective Fence belongs, ſhall be liable to anſwer and make good all ſuch Damage.

## CHAP. V.

## An Act for preventing of Treſpaſſes.

Be it enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That all and every Perſon and Perſons which ſhall unlawfully cut or take away any Graſs, Corn or Grain, growing; or rob any Orchard or Garden; or break or cut, pull down or remove any Hedge, Pale, Rail or Fence; or that ſhall hurt or dig, or pull up, or take away any Grafts or Fruit-Trees: and their Procurers or Receivers knowing the ſame, being thereof convict by Confeſſion of the Party, or by the Teſtimony of ſufficient Witneſſes upon Oath before any Court, or any one Juſtice of the Peace in the County where the Offence ſhall be committed; ſhall pay unto the Party injured, ſuch Recompence as by the Court or Juſtice before whom the Treſpaſs is found, ſhall be awarded. Forfeiture of Orchards, Gardens, &c. how to be puniſhed. Additional Act. 12 G. ca. 5. 13 G. ca. 7. 1 G. 2. ca. 4.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall cut or carry off any Manner of Wood, Underwood, Timber, Poles, or Trees ſtanding, lying or growing on the Land of any others; or off or from the Commons of any Town, other than that to which he doth belong; or within the ſame Town, having no Right or Priviledge there, without Leave or Licence from the major Part of the Propriety of ſuch Commons; or the Owner or Owners of the Land whereon ſuch Wood, Underwood, Timber, Poles or Trees were ſtanding, lying or growing: Every Perſon ſo offending, ſhall forfeit and pay unto the Party or Parties injured or treſpaſſed upon, the Sum of *twenty Shillings* for every Tree of one Foot over; and *ten Shillings* for every Tree or Pole under that bigneſs; and for other Wood or Underwood, treble the Value thereof; to be recovered by Action, Bill, Plaint or Information, before any Juſtice of the Peace in the County where the Offence is committed; if the Forfeiture exceed not *Forty Shillings*: but if it be above that Value, then before the Inferiour Court of Common Pleas within the ſame County. And if any Perſon ſhall be convict of ſuch Offence a ſecond Time, he ſhall forfeit and pay to the Uſe of the Poor of the Town where the Offence is committed, the Sum of *Twenty Shillings*, or ſuffer one Months Impriſonment over and above the Forfeiture aboveſaid, or Damages to the Party injured. Penalty for cutting or carrying off any Trees, Wood, &c. from off another Man's Land, or off the Common. Forfeiture upon a ſecond Conviction.

And be it further enacted by the Authority aforeſaid, That if any Children or Servants ſhall offend againſt this Act in any of the Particulars therein mentioned, and their Parents or Maſters refuſe to anſwer the Forfeiture or Damage awarded againſt them; they ſhall be puniſhed by Whipping, ſetting in the Stocks or Cage, or by Impriſonment, at the Diſcretion of the Court or Juſtice before whom the Proſecution ſhall be; according to the Nature and Degree of the Offence, and Circumſtances aggravating. Children or Servants offending againſt this Act how puniſh'd.

And be it further enacted by the Authority aforeſaid. That when in Action of Treſpaſs brought before a Juſtice of Peace, the Defendant ſhall juſtify and demur upon Plea of Title, a Record ſhall be made thereof, and the Matter of Fact be taken *pro confeſſo*, and the Party making ſuch Plea ſhall become bound with one or more Sureties by way of Recognizance unto the adverſe Party in a reaſonable Sum, not exceeding *Twenty Pounds*; on Condition that he ſhall purſue his Plea and bring forward a Suit for a Trial of his Title, at the next Inferiour Court of Common Pleas to be holden for the County, in which ſuch Treſpaſs is alledged to be done, and pay and ſatisfy all ſuch Damages and Coſts as by the ſaid Court ſhall be awarded againſt him; which Recognizance the Juſtice is hereby impowred to require and take, and ſhall be paid for the ſame In Action of Treſpaſs before a Juſtice of Peace if the Defendant juſtify on Plea of Title, the Cauſe to be removed, and Bond given.

by the Reconuſcer *two Shillings*, and *one Shilling* for recording his Plea; and at the Charge alſo of the ſame Party ſhall certify the Proceſs and Record of ſuch Plea, together with the Recognizance, unto the ſaid Inferiour Court of Common Pleas. And if ſuch Reconuſcer ſhall neglect to bring forward ſuch Suit at the Inferiour Court, according to the Tenor of his Recognizance; the Default ſhall be recorded, and a Writ of *Scire Facias* be iſſued out of the Clerk's Office of the ſame Court, in manner as by Law is directed, for the recovery of the Sum or Penalty in the Recognizance mentioned, of him, his Surety or Sureties. Or if upon Trial before the ſaid Court he ſhall not make out a Title to the Land or Tenement on which the Treſpaſs is laid to be done, paramount to the Poſſeſſion or other Title of the adverſe Party: Judgment ſhall be rendred for the Party treſpaſſed upon, for treble Damages and Coſts of Suit. But if the Defendant in Treſpaſs juſtifying on Plea of Title ſhall refuſe or neglect to become bound in Manner as aforeſaid, then his Plea ſhall abate, and the Juſtice notwithſtanding the ſame, ſhall proceed to try the Cauſe; and upon due Proof of the Treſpaſs committed by him, ſhall award Damages againſt him according to what ſhall be made out; and Coſt of Suit.

Upon neglect or refuſal to give Bond. in Caſe to proceed.

Breach of the Peace to be puniſhed.

**And be it further enacted**, That if in the Opening and Pleading of any Action of Treſpaſs, there be diſcloſed and proved any Breach of the Peace, the Party or Parties guilty thereof, ſhall be fined to the King; or otherwiſe puniſhed as the Law in ſuch Caſe provides.

## CHAP. VI.

### An Act againſt receiving of Stolen Goods.

Preamble.

*WHEREAS divers lewd and evil-minded Perſons for the ſake of filthy Lucre, do frequently receive from* Indians, Molattos, Negroes, *and other ſuſpected Perſons, Money and Goods ſtolen, or obtained by other indirect and unlawful Ways and Means, thereby encouraging of Theft:*

For Redreſs whereof:

Perſons receiving or buying ſtolen Goods &c. to make Reſtitution.

**Be it declared and enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame**, That every Perſon whoſoever which ſhall preſume either openly or privately, to buy or receive of or from any *Indian*, *Molatto*, or *Negro* Servant or Slave; or of any known, diſſolute, lewd and diſorderly Perſon, of whom there is juſt Cauſe of Suſpicion; any Money, Goods, Wares, Merchandizes, or Proviſions; and it appear the ſame Money, Goods, Wares, Merchandizes or Proviſions to have been ſtolen, gotten or obtained by any indirect or unlawful Ways or Means; every Perſon ſo offending, and being thereof convicted, ſhall be ſentenced to reſtore all ſuch Money, Goods, Wares, Merchandizes or Proviſions, unto the Party injured in Specie (if not altered) and alſo forfeit to the ſaid Party the Value thereof over and above; or double the Value, where the ſame are diſpoſed of or made away. And if the Perſon ſo offending be unable, or ſhall not make Reſtitution as awarded, then to be openly whipt with ſo many Stripes (not exceeding twenty) as the Juſtices or Court that may have Cognizance of the Offence ſhall order; or to make Satisfaction by Service. And the *Indian, Negro, Molatto*, or other ſuſpicious Perſon as aforeſaid, of or from whom ſuch Money, Goods, Wares, Merchandizes or Proviſions ſhall be received or bought, ſhall be puniſhed by Whipping, not exceeding twenty Stripes; and be further proſecuted as the Law directs in Caſe of Theft; unleſs where ſuch Money, Goods or Proviſions ſhall be taken from the Maſter of ſuch Perſon.

If unable to make Reſtitution, to be corporally puniſhed.

10 *G.* ca. 1.

CHAP.

## CHAP. VII.

### An Act relating to Strays and loſt Goods, &c.

Money or Goods found, to be entred with the Town Clerk in ſix Days after finding. Additional Act, 1 G. 2 ca. 7.

BE it enacted by the Lieutenant Governour, Council and Repreſentatives, convened in General Aſſembly, and by the Authority of the ſame, That whoſoever ſhall find any Money or Goods loſt, whereof the Owner is not known; the Finder within ſix Days at the farthest next after, ſhall give Notice thereof in Writing unto the Clerk of the Town in which they were found, to be entred in a Book to be kept for that Purpoſe; and ſhall alſo cauſe the ſame to be cried by the Conſtable or publick Cryer in ſuch Town, on three ſeveral Days at a publick Meeting of the Inhabitants thereof; and to be poſted up in ſome publick Place: And if the Money or Goods ſo found, be of the Value of *twenty Shillings*, or upwards, then to be cried and poſted up in like Manner at the two next adjacent Towns.

To be cried and poſted.

Stray Beaſts to be cryed, poſted and wythed.

**And be it further enacted by the Authority aforeſaid**, That every Perſon who ſhall find and take up any ſtray Beaſt, ſhall cauſe the ſame to be entred, with the Colour and Marks, Natural and Artificial; and alſo to be poſted up and cried in Manner and Time as aforeſaid; and likewiſe within twenty-four Hours ſhall put, and from Time to Time keep a Wyth about the Neck of ſuch ſtray Beaſt; on pain of loſing all his Charges about it afterwards.

The next Juſtice to be notified of loſt Goods, and Strays, The ſame to be apprized.

And the Finder of any loſt Goods, or ſtray Beaſt, ſhall alſo within the Time before-mentioned, notify the next Juſtice of the Peace within the ſame County, thereof; and ſuch Juſtice ſhall forthwith thereupon order the ſame to be apprized by two meet Perſons by him to be appointed, and ſhall adminiſter an Oath unto them to deal juſtly and indifferently therein.

Penalty on the Finder for neglect of entring, crying and poſting, and on the Town Clerk for his Neglect.

And if the Finder of any loſt Goods, or ſtray Beaſt, ſhall neglect to cauſe the ſame to be entred, cried, and poſted up in Manner and Time as before is expreſs'd, or to Wyth ſuch Beaſt; or if the Town Clerk ſhall neglect to enter any loſt Money, Goods or Stray, whereof he ſhall be notifyed; and have tendered unto him the Fee of *ſix Pence*, (which he may demand and receive, and no more) ſuch Finder or Town-Clerk, for ſuch Omiſſion and Default reſpectively, ſhall forfeit and pay to the Uſe of the Poor of ſuch Town, one third Part of the full Value of ſuch loſt Money, Goods or Strays.

Reſtitution to be made to the Owner.

**And it is further enacted**, That if the Owner of any ſuch loſt Money, Goods, or ſtray Beaſt, appear within the ſpace of one Year next after ſuch Publication as aforeſaid, and make out his Right and Title thereto, he ſhall have Reſtitution of the ſame, or the full Value thereof; allowing and paying *three Pence* for each Time it was cried, *ſix Pence* for entring thereof as aforeſaid; as alſo paying ſuch neceſſary Charges as ſhall have ariſen, for the keeping of ſuch Strays, loſt Money or Goods, or neceſſary travel about them, to be adjuſted and determined by the Juſtice that ordered the apprizal thereof; or by ſome other Juſtice in the ſame County.

Fee for crying and entring.

No Owner appearing, to be divided betwixt the Finder & the Poor of the Town.

And if no Owner appear within one Year as aforeſaid, then ſuch Strays, loſt Money or Goods, ſhall be to the Finder; he paying one Half of the Value thereof (all neceſſary Charges being firſt deducted) according to Appraiſement, unto the Treaſurer or Overſeers of the Poor of ſuch Town, for the Uſe of the Poor thereof; and to be recovered by the Town Treaſurer, Select-men or Overſeers of the Poor reſpectively, as in other Caſes, upon neglect or refuſal to pay the ſame.

Penalty for taking off the Wyth, or taking away any Stray.

**And it is further declared and enacted by the Authority aforeſaid**, That if any Owner of any ſtray Beaſt, or other Perſon, ſhall take the Wyth off from the ſame, or take away ſuch Stray before all the neceſſary Charges ariſen for the entring, crying, and keeping thereof, be defreyed; ſuch Perſon ſo offending ſhall forfeit and pay unto the Finder of ſuch Stray, the full Value of the ſame.

Penalties, &c. how to be recovered.

All the Penalties and Forfeitures in this Act mentioned, to be recovered by Action, Bill, Plaint or Information, before a Juſtice of the Peace; where the Value exceeds not his Recognizance; or in any other of his Majeſty's Courts within this Province. *Provided*,

No Strays to be made from the first of *March* to the first of *December*.

*Provided*, That no Person from the first Day of *March* to the first Day of *December* yearly, shall take up any Horse, Gelding, Mare or other Beast for a Stray; or account or use them as Strays, though the Owner thereof be not known; unless such Beast be taken Damage feasant in Inclosures.

## CHAP. VIII.

## An Act for the inspecting and suppressing of Disorders in Licenced Houses, &c.

Inn-holders, &c. to be provided for Entertainment of Men and Horses. 4 *W. & M.* ca. 7.

BE it enacted and declared by the Lieutenant Governour, Council and Representatives convened in General Assembly, and by the Authority of the same, That all Inn-holders, Taverners and common Victuallers, shall at all Times be furnished with suitable Provisions and Lodging for the Refreshment and Entertainment of Strangers and Travellers; Pasturing, Stable-Room, Hay, and Provender for Horses; on pain of being deprived of their Licence.

Penalty for entertaining of Servants or Negroes, &c. 12 *G.* ca. 6.

And that no Person who is or shall be Licenced to be an Inn-holder, Taverner, common Victualler, or Retailer, shall suffer any Apprentice, Servant, or Negro, to sit drinking in his or her House; or to have any manner of Drink there, without special Order or Allowance of their respective Masters; on pain of forfeiting the Sum of *ten Shillings* for every such Offence. Neither shall any licenced Person suffer any Inhabitant of such Town where he dwells, or coming thither from any other Town, to sit drinking or tippling in his or her House, or any of the Dependencies thereof; or to continue there above the space of one Hour (other than Travellers, Persons upon Business or extraordinary Occasions,) on the like Penalty of *ten Shillings* for every Offence.

None to continue in publick Houses above one Hour, unless, &c.

1 & 2 *A.* ca. 4. 11 *A.* ca. 1.

And every Person who contrary to this Act, shall continue in any such House tippling or drinking, or otherwise misordering him or her self; or above the space of one Hour (other than as aforesaid) shall forfeit and pay the Sum of *three Shillings and four Pence*, or be set in the Stocks, not exceeding four Hours Time.

None to be suffered to be Drunk there, or to be there on the Lord's Day, unless, &c. 7 *W.* ca. 7.

And no Person or Persons licenced as aforesaid, shall suffer any Person to drink to Drunkenness, or Excess, in his or her House; nor shall suffer any Person as his or her Guest to be and remain in such House or any of the Dependencies thereof, on the Lord's Day, other than Strangers, Travellers, or such as come thither for necessary Refreshment; on pain of forfeiting the Sum of *five Shillings* for every Offence in that Kind.

Penalties, &c. how to be imployed.

And be it further enacted by the Authority aforesaid, That all Fines and Forfeitures arising for any of the Offences before-mentioned, shall be one Moiety thereof to the Use of the Poor of the Town where the Offence is committed; and the other Moiety to him or them that shall inform and prosecute for the same; (except where such Offences are presented by a Grand Jury, in which Case, the whole Forfeiture to be to the Use of the Town.) And every Justice of the Peace within his Precincts, is hereby impowred to hear and determine concerning any of the Offences aforesaid, and to restrain and commit the Offender to Prison, until he pay and satisfy the Penalty or Forfeiture; or otherwise by Warrant cause the same to be levied by Distress and Sale of the Offenders Goods.

Justice of the Peace, his Power.

No Inn-holder, &c. to receive Licence before entring into Recognizance.

And be it further enacted by the Authority aforesaid, That before any Person shall receive Licence to be an Innholder, common Victualler, Taverner or Retailer; every such Person shall become bound by Recognizance to His Majesty, in the Sum of *ten Pounds* the Principal, and two Sureties in *five Pounds* a piece, before one or more of the Justices of the General Sessions of the Peace: *On Condition following.*

*That is to say:*

Recognizance for Inn-holders, &c.

THE Condition of this Recognizance is such, That whereas the above-bounden *A. B.* is admitted and allowed by the Justices of the Court of General Sessions of the Peace, to keep a common Inn, Ale-House or victualling House, and

and to uſe common ſelling of Wine, Beer, Ale, Cyder, and other ſtrong Liquors by Retail for the ſpace of one whole Year next enſuing, and no longer, in the now dwelling Houſe of the ſaid *A.B.* in *C.* commonly known by the Sign of—— and no other: If therefore the ſaid *A. B.* during the Time aforeſaid ſhall not permit, ſuffer or have any playing at Dice, Cards, Tables, Quoits, Loggets, Bowls, Shuffle-board, Nine-pins, Billiards; or any other unlawful Game or Games in his Houſe, Yard, Garden, Back-ſide or any of the Dependencies thereof; nor ſhall ſuffer to be or remain in his Houſe, any Perſon or Perſons, (not being of his ordinary Houſhold or Family) on the Lord's Day, or any Part thereof, contrary to Law; nor ſhall ſell any Wine, Liquors or other ſtrong Drink to any Apprentices, Servant, Indians or Negroes, nor ſhall ſuffer any Perſon or Perſons to be there tipling, drinking, or continue there after nine of the Clock in the Night Time, or otherwiſe contrary to Law. And in his ſaid Houſe, ſhall and do uſe, maintain and uphold good Order and Rule, and do endeavour the due Obſervance of the Laws made for Regulation of ſuch Houſes: Then this preſent Recognizance to be void; but on Default thereof, to abide and remain in full Force and Virtue.

And before any Perſon ſhall receive Licence to Retail any Wine or ſtrong Liquors to be ſpent out of Doors, and not otherwiſe, ſuch Perſon ſhall become bound by Recognizance as aforeſaid: *On Condition following.*

*That is to ſay:*

Recognizance for Retailers out of Doors.

THE Condition of this Recognizance is ſuch, That whereas the above bounden *A. B* is licenced and allowed by the Juſtices of the Court of General Seſſions of the Peace, to Retail for the ſpace of one whole Year next enſuing, and no longer, out of his now Dwelling Houſe in *C.* *Sort of ſtrong Liquors* to be ſpent out of Doors, and not otherwiſe: If therefore the ſaid *A. B.* ſhall not entertain or ſuffer any Perſon or Perſons to ſit drinking or tipling in his Houſe, Cellar, Back-ſides, or any of the Dependencies of the ſaid Houſe, nor ſhall ſell any other Sort of Drink than what he is licenced for as aboveſaid. And ſhall and do in and by all Things obſerve the Directions of the Law relating to Perſons licenced for retailing out of Doors only: Then this preſent Recognizance to be void; but on Default thereof to abide and remain in full Force and Virtue.

For each of which aforeſaid Recognizances the Party to whom ſuch Licence ſhall be granted, ſhall pay *two Shillings*, to be divided betwixt the Juſtice and the Clerk.

*And for the better inſpecting of licenced Houſes, and the diſcovery of ſuch Perſons as ſhall preſume to ſell without Licence:*

Tything-men to be annually choſen.

Be it enacted by the Authority aforeſaid, That the Select-Men in each Town reſpectively ſhall take due Care, that Tything-men be annually choſen at the general Meeting for choice of Town Officers, as is by Law provided, and upon any Vacancy to fill up the Number at any other Town Meeting: which Tything-men ſhall have Power, and whoſe Duty it ſhall be carefully to inſpect all licenced Houſes, and to inform of all Diſorders or Miſdemeanours which they ſhall diſcover or know to be committed in them, or any of them, to a Juſtice of the Peace, or Seſſions of the Peace within the ſame County; as alſo of all ſuch as ſhall ſell by Retail, without Licence; and other Diſorders or Miſdemeanours committed in any ſuch Houſe; and in like Manner to preſent or inform of all idle and diſorderly Perſons, prophane Swearers or Curſers, Sabbath-breakers, and the like Offenders; to the Intent ſuch Offences and Miſdemeanours may be duly puniſhed and diſcouraged: Every of which Tything-men ſhall be ſworn before a Juſtice of the Peace, or at the Seſſions of the Peace, to the faithful Diſcharge of his Office in Manner following. *That is ſay:*

Tything-men their Power and Duty.

Oath.

YOU A. B. *being choſen a Tything-man within the Town of* C. *for one Year next enſuing, and until another be choſen and ſworn in your Stead:* Do Swear, *That you will faithfully endeavour and intend the Duty of your Office.* So help you God.

Which

Staff.

Which Tything-men shall have a black Staff of two Foot long, tip't at one End with Brass about three Inches, as a Badge of their Office; to be provided by the Select-men at the Charge of the Town.

Penalty for not serving.

And be it further enacted by the Authority aforesaid, That if any Person being duly chosen to the said Office, shall refuse to take his Oath, or serve therein, he shall forfeit and pay the Sum of *forty Shillings*, to the Use of the Poor of the Town whereto he belongs: upon Conviction of such refusal before the Justice of the Peace, or Sessions of the Peace where he is summoned to be Sworn, Certificate being produced under the Hand of the Town Clerk, that such Person was legally chosen to that Office. And the said Forfeiture to be levied by Distress and Sale of such Persons Goods, by Warrant from a Justice of the Peace, or Sessions of the Peace respectively; and delivered to the Town Treasurer or Overseers of the Poor, for the Use aforesaid. And for want of such Goods whereon to make Distress, the Officer in the said Warrant shall be required to seize the Body of the Offender, and him commit unto Prison, to be there kept, until he shall answer and pay the said Fine or Forfeiture, with the Charges of levying the same.

Tything-men allowed the benefit of Informers.

And all Tything-men that shall inform and prosecute for the Breach of any penal Act, shall have the Benefit of such Part of the Forfeiture as does by Law accrue unto the Informer. And all Persons prosecuted for Breach of any Act relating to retailing without Licence, the Penalty whereof for one Offence exceeds not *forty Shillings*, besides Charges, may be convicted by two single Evidences upon Oath, though but one to one Breach of such Act, so as both the Breaches be within one Month, the Person accused or complained of not plainly and positively denying the Fact.

Licenced Persons also to enter into Recognizance for paying their Excise.

And be it further enacted by the Authority aforesaid, That every Person to whom any Licence shall be granted, before the receiving or exercising of the same, over and above the Recognizance required for the due Observation of the Laws, and keeping of good Rule and Order as aforesaid, shall also become bound unto His Majesty in a distinct Recognizance, with sufficient Sureties, in Manner as aforesaid, and in such Sum as the Justices in Sessions shall appoint: On Condition that the Person so licenced shall duly and truly pay the Duties of Excise for his Draught, according to the Rates by Law established, or otherwise perform such Agreement for the same as shall be made with the Officer or Officers, that shall from Time to Time be appointed to agree for, and receive the said Duties. For which Recognizance he shall pay the like Fee before-mentioned.

Licence to be granted at the next General Sessions of the Peace, after the 29 of *June* annually.

And be it further enacted, That for the future the Time of granting of Licences to Inn-holders and Retailers of Drink, shall be at the first General Sessions of the Peace that shall be held and kept in Course within the several Counties at or next after the nine and twentieth Day of *June* annually; and that such as have already obtained Licences, shall hold them (unless they forfeit the same by Breach of Law) until the General Sessions of the Peace to be held in the respective Counties as aforesaid, next after the nine and twentieth Day of *June*, One Thousand six Hundred ninety nine: Any Law or Usage to the contrary notwithstanding.

*And the better to prevent Nurseries of Vice and Debauchery:*

No more Persons to be licenced to keep publick Houses, than what are necessary for Refreshment of Travellers.

It is further declared, That the Justices of the General Sessions of the Peace in each County respectively be, and hereby are directed not to Licence more Persons in any Town or Precinct to keep Houses for common Entertainment, or to retail Ale, Beer, Cyder, Wine or strong Liquors within or out of Doors, than the said Justices shall judge necessary for the receiving and Refreshment of Travellers and Strangers; and to serve the publick Occasions of such Town or Precinct; having Regard to the Law for the Qualification and Approbation of the Persons so to be licenced. And all publick Houses shall be on or near the high Streets, Roads, and Places of great Resort.

Public Houses to be on High Streets, &c

Clerks of the several Courts to put in Suit Recognizances.

And be it further enacted by the Authority aforesaid, That the Clerk of the Inferiour Court of Common Pleas in each several County; and the Clerk of the Superiour Court of Judicature respectively, by Direction of the Court from Time

Time to Time, shall by Writ of *Scire Facias* prosecute to Effect all such Recognizances as shall be taken in Court, or before any Justice, whereof Default is or shall be made in not performing the Condition of the same: And upon Execution awarded, to make out such Execution unto the Sheriff of the County, or his Deputy; who are accordingly to levy the Sum therein expressed; and to account for the Monies or Estate levied for Satisfaction thereof, unto the Treasurer, as by Law he is obliged. And no Recognizance for the keeping of good Rule and Order in publick licenced Houses, or for Retailing out of Doors, shall be put in Suit for any Breach thereof made, after the Expiration of two Years from the Time of taking such Recognizance.

## CHAP. IX.

## An Act for Explanation and Addition to the Act for Regulating of Fences, Cattel, &c.

*FORASMUCH as in and by an Act of this Province, Intituled,* An Act for Regulating of Fences, Cattel, &c. *made and passed in the fifth Year of the Reign of his present Majesty, and his late Royal Consort Queen* Mary, *of blessed Memory; amongst other Things therein contained:* It is Enacted, "That in every Town and Peculiar within this Province, there be "annually chosen by the Inhabitants thereof, two or more meet Persons to be "Viewers of Fences"; *but no Penalty provided by the said Act in Case the Persons so chosen refuse to accept thereof:* 5 *W. & M.* ca. 9. and References.

Be it therefore enacted and declared by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That every meet Person that shall hereafter be chosen a Viewer of Fences within any Town or Peculiar in this Province, refusing to accept thereof; or to be Sworn to the faithful Discharge of that Office; shall forfeit and pay to the Use of the Poor of such Town or Peculiar, the Sum of *twenty Shillings*; and another shall be forthwith chosen in his Room. And every Person from Time to Time, chosen and Sworn to the said Office, upon due Notice given him, and being requested by any Person or Persons interested, to view any insufficient and defective Fence in and about any general or common Field; or in and about any particular Field or Inclosure; shall forthwith attend the same; on pain of forfeiting the Sum of *twenty Shillings*; one Moiety thereof to the Use of the Poor of the Town or Peculiar; and the other Moiety to him that shall inform and sue for the same. And each Fence-Viewer shall be allowed *three Shillings* a Day; and proportionably for half a Day; and under that *six Pence* an Hour, for his Time spent in viewing of any Fence or Fences; to be paid him by the Party that sets him on Work, who shall be reimburs'd the same by the Owner or Owners of the defective Fence. And when and so often as it shall happen any Fence to be broken or fallen down, or to be otherwise defective; the Owner or Occupant of the Land to which such Fence belongs, upon Notice thereof given him, shall forthwith repair the same. And in Case he refuse or neglect so to do, the Fence-Viewers shall cause the same to be sufficiently repaired, as the Law directs. And all divisional Fences betwixt Man and Man shall be kept up in good Repair for the whole Year; unless the Proprietors of the Lands shall otherwise agree.

Penalty for not serving as a Fence-Viewer.

Penalty for not attending his Duty.

Allowance.

And be it further enacted by the Authority aforesaid, That for the better enabling of the Fence-Viewers to discharge their Duty according to the true Intent of the Law, it shall and may be lawful to and for any Fence-Viewer, by Warrant from the next Justice of the Peace, or Select-Men, (in such Towns where no Justice dwells) or the major Part of them, who are hereby respectively impowred to make out such Warrant, to impress Workmen and Teams for the speedy repairing and making up of Fences that are defective or wanting; paying double the usual and accustomed Rates for such Teams and Workmanship, and to the

Fence-Viewers to be impowred by a Warrant to impress Workmen, &c.

Fence-Viewer for his Time; to be adjusted and determined by the Select-Men; and to be by him recovered against the Owner or Occupier of the Land about which such Fence is set down or repaired, in Manner as the Law directs.

Fence of common Fields to be maintained by the Proprietors in proportion.

And be it further enacted by the Authority aforesaid, That every Party interested in any common or general Field, shall from Time to Time make and maintain his just and due Part and Proportion of the Fence for enclosing the same according to his Interest therein, in such Manner as hath or shall be agreed on by the major Part of the Propriety; the whole being duly warned and met to order the same; and the Orders so made shall be binding and obliging upon the Proprietors absent: And a third Part of the Propriety in such common or general Field, shall and may call and summon a Meeting of the Whole from Time to Time, as there shall be Cause.

And no Proprietor in any such Field shall put or cause to be put any Beast, Cattel or Sheep thereinto, over and above the Number allowed him; or keep them longer there than the Time set and limitted by the major Part of the Propriety or Interested; on Penalty of answering double the Damages that shall happen or accrue thereby, to be recovered in any Court proper to try the same.

Partition-Fences to be maintained by the Proprietors in equal Halves.

And it is further enacted, That all Partition-Fences betwixt Lands under Improvement, shall be made and maintained from Time to Time in equal Halves by the Owners or Proprietors of such Lands respectively. And in Case any Proprietor of Land shall improve his Land (the Land adjoining not being under Improvement) and so make the whole Partition-Fence; when and so soon as the Owner or Proprietor of the adjoining Land shall also improve his, he shall pay for the one Half of such Partition-Fence, according to the Value thereof at that Time, and keep up and maintain his half Part thereof from thenceforward. But if either of such Proprietors adjoining do cease to make Improvement of his Land, he that continues so to do, shall have Liberty to purchase the other Part of such Partition-Fence, as it shall then be valued to be worth, by Persons indifferently chosen by each Party for that Purpose: And in case any Person improving as aforesaid, shall neglect or refuse to make and maintain one Half of the Partition-Fence betwixt his Land and the Land next adjoining; the Owner or Proprietor of such Land adjoining, shall be liable to a Suit, and to have recovered of him in any Court proper to try the same, the full Value of the one Half of such Partition-Fence according to Estimation thereof upon Appraisement, by the other Party who makes and maintains the whole Fence, together with his Damage sustained by such Neglect or Refusal as aforesaid: Saving always to every Person and Persons any particular Agreement or Agreements touching the making and maintaining of such divisional Fence between their Lands.

Fines & Penalties where to be recovered.

All Fines, Penalties, Forfeitures or Payments accruing by Virtue of this Act from Time to Time, to be had sued for and recovered in any Court proper to try the same.

Proviso for House-Lots not exceeding ten Acres.

*Provided*, This Act shall not extend to House-Lots not exceeding ten Acres: but if the Owner or Owners of such Lots shall improve, his Neighbour shall be compellable to make and maintain one half of the Fence between them, whether he improve or not.

Major Part of the Propriety in any general Field, to lay down the same at Pleasure.

*Provided also*, That it shall and may be lawful, to and for the major Part of the Interests or Propriety in any common or general Field, to dissolve and lay down the same at Pleasure; all the Proprietors being first duly warned; and there being six Months Time given before any such Field is laid down.

# Acts and Laws,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England*, Begun and held at *Boston* the twenty-fifth Day of *May* 1698. And continued by Prorogation until the fifteenth of *November* following.

## CHAP. X.

## An Act in Addition to, and Explanation of the Act against Adultery and Polygamie, made in the sixth Year of the Reign of King *William* and Queen *Mary*.

*WHEREAS in the Act Intitled,* An Act against Adultery and Polygamie, *It is provided in these Words*, "Provided always that this Act "or any Thing therein contained shall not extend to any Person or "Persons whose Husband or Wife shall be continually remaining beyond the Seas "by the space of *seven Years* together; or whose Husband or Wife shall absent "him or her self the one from the other by the space of *seven Years* together, "in any Part within their Majesties Dominions, or elsewhere, the one of them "not knowing the other to be living within that Time." *Which Limitation of* seven Years *is in some Cases found to be excessive and inconvenient:* 6 *W. & M.* ca. 4.

Therefore for the better preventing the Violation of the seventh Commandment, and for obtaining the Blessings God is wont to bestow upon the Keepers of the same:

**Be it enacted and declared by the Lieutenant Governour, Council and Representatives, convened in General Assembly: and it is enacted and declared by the Authority of the same,** That if any married Person, Man or Woman, has lately or shall hereafter go to Sea in any Ship or other Vessel, bound from one Port to another, where the Passage is usually made in three Months Time; and such Ship or other Vessel has not been, or shall not be heard of within the space of three full Years next after their putting to Sea from such Port; or shall only be heard of under such Circumstances, as may rather confirm the Opinion commonly received of the whole Company's being utterly lost: In every such Case, the Matter being laid before the Governour and Council, and made to appear; the Man or Woman whose Relation is in this Manner parted from him or her, may be esteemed single and unmarried; and upon such Declaration thereof, and Licence obtained from that Board, may lawfully marry again: Any Law, Usage or Custom to the contrary notwithstanding. Limitation of three Years in Case.

## CHAP. XI.

## An Act enabling Sheriffs, Constables, &c. to require Aid and Assistance in the Execution of their respective Offices, referring to Criminals.

*FORASMUCH as it is oftentimes necessary, that Sheriffs, Under-Sheriffs and Constables be aided and assisted in the Execution of their respective Offices:* Additional Act. 12 *G.* ca. 1.

**Be it therefore enacted by the Lieutenant Governour, Council and Representatives, convened in General Assembly, and by the Authority of the same,** That when and so often as any Sheriff, Under-Sheriff or Constable shall be in the Execution of his Office, for the Preservation of the Peace, or for apprehending or securing any Person or Persons for violating the same, or for the

any other criminal Matter or Cauſe; it ſhall and may be lawful to and for ſuch Sheriff, Under-Sheriff or Conſtable to require ſuitable Aid and Aſſiſtance therein. And if any Perſon or Perſons being required by any Sheriff, Under-Sheriff or Conſtable in his Majeſty's Name, to aid and aſſiſt him in the Execution of his Office as aforeſaid, ſhall neglect or refuſe ſo to do, and be thereof convicted before one or more of his Majeſty's Juſtices of the Peace; ſuch Offender or Offenders ſhall be fined, to the Uſe of the Poor of the Town where the Offence ſhall be committed, not exceeding *forty Shillings*, at the Diſcretion of ſuch Juſtice or Juſtices, according to the Circumſtances aggravating or leſſening ſuch Offence. And if ſuch Offender or Offenders be unable or ſhall not forthwith pay the ſaid Fine, ſuch Juſtice or Juſtices may puniſh him or them by Impriſonment, not exceeding forty eight Hours; or by ſetting in the Stocks not exceeding four Hours.

Penalty for refuſal or neglect to aid or aſſiſt the Sheriff, &c.

And if any Perſon or Perſons not being really and *bonâ fide* a Sheriff, Under-Sheriff, or Conſtable, ſhall preſume to abuſe his Majeſty's Name and Authority in pretending him or themſelves to be any or either of the ſaid Officers, and take upon him or themſelves to act as ſuch, or to require any other Perſon or Perſons to aid or aſſiſt him or them in any Matter or Thing belonging to the Duty of a Sheriff, Under-Sheriff or Conſtable; every Perſon or Perſons ſo offending, and being thereof convicted, ſhall forfeit and pay a Fine not exceeding *One Hundred Pounds*, according to the Nature and Circumſtances aggravating his Offence, at the Diſcretion of the Court before whom the Conviction ſhall be; one Moiety of the ſaid Fine or Forfeiture to be unto his Majeſty, towards the Support of the Government within this his Majeſty's Province; and the other Moiety to him or them that ſhall inform and proſecute for the ſame.

Penalty for pretending to be a Sheriff, &c. and not ſo *bonâ fide*.

And be it further enacted by the Authority aforeſaid, That any of his Majeſty's Juſtices of the Peace, for the Preſervation of the ſame, or upon View of the Breach thereof; or of any other Tranſgreſſion of Law proper to his Cognizance done or committed by any Perſon or Perſons whatſoever, ſhall, and hereby is impowred (in the Abſence of a Sheriff, Under-Sheriff or Conſtable) to require any Perſon or Perſons to apprehend and bring before him ſuch Offender or Offenders. And every Perſon or Perſons that ſhall neglect or refuſe to obey any Juſtice or Juſtices in apprehending ſuch Offender or Offenders, being thereunto required as aforeſaid; ſhall incur and ſuffer the like Pains and Penalties as is before provided for refuſing or neglecting to aſſiſt any Sheriff, Under-Sheriff or Conſtable in the Execution of his Office, as before mentioned.

Juſtices may Command any Perſon to apprehend an Offender.

And no Perſon or Perſons ſo offending, unto whom ſuch Juſtice is known, or ſhall declare himſelf ſo to be, ſhall be admitted to plead Excuſe on Pretence of Ignorance of his Office.

Penalty for neglect or refuſal.

## CHAP. XII.

## An Act for the better Preſervation and Increaſe of Deer within this Province.

Preamble.

*WHEREAS the killing of Deer at unſeaſonable Times of the Year hath been found very much to the Prejudice of this Province; great Numbers thereof having been hunted and deſtroyed in deep Snows, when they are very Poor, and big with Young, the Fleſh and Skins of very little Value; and the Increaſe thereof greatly hindred:*

No Deer to be killed betwixt *December* & *Auguſt* yearly on Penalty

Be it therefore enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That no Perſon or Perſons whatſoever within this Province, from and after the laſt Day of *December*, in this preſent Year, One Thouſand ſix Hundred ninety eight, till the firſt Day of *Auguſt*, One Thouſand ſix Hundred ninety nine, and ſo from the laſt Day of *December*, to the firſt Day of *Auguſt* following annually for ever hereafter, ſhall any ways whatſoever, kill any Buck, Doe

or

or Fawn; on pain that such Person or Persons so offending, shall forfeit the Sum of *forty Shillings* for the first Offence, *three Pounds* for the second Offence, and *five Pounds* for the third Offence; and so for every Offence after: one Moiety thereof unto his Majesty, to be employed towards Support of the Government of this his Majesty's Province, and the other Moiety to him or them that shall inform and sue for the same in any Court of Record within the said Province.

Persons unable to pay the Penalty, to satisfy by Work.

And if any Person or Persons offending as aforesaid, shall not have wherewithal to pay his or their Fine or Fines, he or they shall for the first Offence work twenty Days, for the second thirty, and for the third Offence fifty Days; as shall be directed by the Justices, before whom the Cause shall be heard and determined; and the Wages and Earnings for his or their Work, to be employed to and for the Uses before-mentioned.

The Flesh or Skin of any Deer found to be sufficient Conviction, unless &c.

And if any Venison, Skin or Skins of any Buck, Doe or Fawn newly killed, shall, at any Time in any of the aforesaid Months wherein they are by this Act prohibited to be killed, be found with, or in Possession of any Person or Persons whatsoever, such Person or Persons shall be held and accounted in the Law to be guilty of killing Deer contrary to the Intent of this Act, as fully as if it were proved against such Person or Persons by sufficient Witness *viva voce*; except such Person or Persons do bring forth and make Proof who was the Person, or who were the Persons that sold or killed the same.

Tame Deer may be kill'd at any time.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Person or Persons whatsoever, who shall keep or breed any Deer tame, or in any Park or Island; at any Time to kill any Buck, Doe or Fawn so kept and bred. And that any Person or Persons whatsoever, shall have free Liberty of hunting as formerly to the Eastward of *Piscataqua* River; Any Thing in this Act to the contrary notwithstanding.

## CHAP. XIII.

## An Act for Hearing and Determining of Cases in Equity.

Preamble.

*WHEREAS the respective Courts of Justice within this Province are by Law impowred, where the Forfeiture of any penal Bond shall be found, in the entring up of Judgment in such Case, to Chancer the same unto the just Debt and Damages: The Practice whereof is found to give great Ease and Satisfaction unto His Majesty's Subjects; whereby Oppression, Delay, and great Costs and Charges are prevented, which otherwise would unavoidably arise. And Applications having been unto this Court, that further Provision may be made for Relief in Equity, in Cases not relievable by the Rules of the Common Law.*

To the Intent therefore that Justice and Equity may be jointly administred;

Courts of Justice impowred to hancer Penalties annexed to Specialties & Forfeiture of Estates granted on Condition. Additional Act, 8&9*G.* 2 ca. 2.

Be it enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That in all Cases brought or to be brought for Tryal in the Superiour Court of Judicature, or in the Inferiour Court of Common Pleas within the several Counties, where the Forfeiture or Penalty annexed unto any Articles, Agreement, Covenant, Contract, Charter-Party, or other Specialties, or Forfeiture of Estates on Condition, executed by Deed of Mortgage, or Bargain and Sale with Defeasance, shall be found by Verdict of Jury, or Confession of the Obligor, Mortgager or Vender; the Justices of the said Courts respectively where the Tryal is had, are hereby impowred and authorized, to moderate the Rigour of the Law; and on Consideration of such Cases according to Equity and good Conscience, to Chancer the Forfeiture, and enter up Judgment for the just Debt and Damages, and to award Execution accordingly: only in real Actions upon Mortgage or Bargain and Sale, with Defeasance, the Judgment to be conditional; that the Mortgager or Vender, or his Heirs, Executors or Administrators do pay unto the Plaintiff, such

Oath.

See the next Law, ca. 14.

such Sum as the Court shall determine to be justly due thereupon, within two Months Time after Judgment entred up for discharging of such Mortgage or Sale; or that the Plaintiff recover Possession of the Estate sued for, and Execution to be awarded for the same.

Provision for Cases of like Nature heard and tried since *April* 1686.

And be it further enacted by the Authority aforesaid, That in all Cases of like Nature heretofore heard and tried in any of the Courts of Justice within this Province since the Month of *April* in the Year of Our Lord God, One Thousand six Hundred eighty six, where the whole Forfeiture or Penalty of any Bond or Obligation, Conditioned for the Payment of Money, Performance of Articles, Covenants, Agreements, Charter-Parties, or other Specialties has been recovered and exacted; or where any Estate granted on Condition by Mortgage, or Bargain and Sale, with Defeasance hath been recovered, and the Mortgagee or Vendee by himself or Assigns hath entred into: or by any Ways or Means whatsoever obtained Possession thereof for Default of the Mortgager or Venders paying the Money, or otherwise performing what according to such Condition or Defeasance he ought to have done; the Party aggrieved and oppressed by such Exaction, or to whom the Right or Equity of Redemtion of any such Estate does belong, may bring his Suit for Remedy and Relief therein, by filing a Bill, Plaint or Declaration, either in the Superiour Court of Judicature, or the Inferiour Court of Common Pleas at his Pleasure; and shall cause the adverse Party to be served with a Writ or Process out of such Court, fifteen Days before the Day of the sitting of the same; briefly notifying the Import of the said Bill, Plaint or Declaration, and requiring him to appear at the said Court, to make his Answer and Defence. And in Case of the Defendant's Non-appearance, or on Motion made to the Court, and reasonable Cause therefore shewn, the Court may continue such Suit unto the next Court, and no longer.

*Provided*, No such Suit shall be brought, after the tenth Day of *December*, which will be in the Year of Our Lord, One Thousand seven Hundred and one.

The Justices of the several Courts impowred to receive and hear such Cases, and to grant Relief in Equity.

And the Justices in the before mentioned Courts respectively are hereby impowred and authorized to receive and hear every such Case and Cases that shall be orderly brought before them, as aforesaid; and on Consideration of the several Pleas and Allegations made by either Party, to decree and enter up Judgment therein agreeable to Equity and good Conscience, and to award Execution accordingly. And where any Mortgagee or Vendee of any Houses or Lands granted on Condition hath recovered, or entred into, and taken Possession of the same for the Condition broken, the Mortgager or Vender, or his Heirs tendring Payment of the original Debt and Damages, or such Part thereof as was remaining unpaid, at the Time of Entry; with reasonable Costs and Allowance for any Disbursements afterwards laid out on such Housing or Lands for the Advancement and bettering of the same, over and above what the Rents, Profits or Improvements thereof made, shall amount unto, upon a just Computation thereof by the Court, as on hearing of the Parties shall be made to appear; The Mortgagee or Vendee, or his Heirs, or the present Tenant in Possession (being the Purchaser and holding in his own Right) shall be obliged to accept such Payment, and to restore and deliver Possession of the Estate unto the Mortgager or Vender, or his Heirs, and Seal, Execute and Acknowledge a good and sufficient Deed in the Law of Release and Quitclaim to the same. But in Case of his not appearing in Court, or refusal to accept such Payment tendred, the whole of the said Monies which the Court shall enter Judgment for, being left in Custody of the Court on Behalf, and for the Use of the Mortgagee or Vendee, his Heirs or Assigns: Judgment shall be entred up for the Mortgager or Vender, or his Heirs, to recover Possession of such Houses or Lands, and Execution be accordingly awarded.

Suit for Redemption where the Mortgage is in Possession, to be brought in 3 Years. 12 *A.* ca. 1.

And further it is enacted, That at any Time hereafter where the Mortgagee or Vendee shall be in actual Possession of any Estate granted on Condition, it shall be in the Liberty of the Mortgager or Vender, or his Heirs, to bring his Suit in Manner as aforesaid, for Redemption thereof, within the space of three Years next after the Term therein expired, and not afterward.

*Provided*

*Provided always*, That the Party aggrieved at any Judgment to be given as aforesaid, shall have the same Liberty of Appeal and Review as in other Cases is provided at the common Law.

## CHAP. XIV.

## An Act for Establishing the Form of an Oath to be administred unto the Justices of the Superiour Court of Judicature, and the Justices of the Inferiour Court of Common Pleas respectively.

BE it enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Oath following shall be administred unto each of the Justices of the Superiour Court of Judicature; and also to each of the Justices of the respective Inferiour Courts of Common Pleas within this Province, by the Governour or Commander in Chief for the Time being of the same; or such as shall be by him thereto appointed. *That is to say:*

Justices of Courts Oath.

YOU Swear, *That well and truly you shall serve Our Sovereign Lord the King and his People in the Office of a Justice of the-------Court of-------. And that you will do equal Law and Execution of Right to all People, Poor and Rich, after the Laws and Usage of this Province: And in such Cases as the Law does especially provide to be relieved in Equity, there to proceed according to Equity and good Conscience, without having Regard to any Person.*

So help you GOD.

Which before recited Oath shall also be administred as aforesaid, unto the Justices that shall be appointed and commissioned for the respective Courts aforesaid, from Time to Time, before their entring upon the Execution of their Office.

# Acts and Laws,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England*, Begun and held at *Boston* the thirty-first Day of *May*, 1699.

## CHAP. I.

## An Act for holding of Courts of General Sessions of the Peace, and ascertaining the Times and Places for the same.

BE it enacted and ordained by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That there shall be held and kept in each respective County within this Province yearly, and in every Year at the Times and Places in this Act hereafter mentioned and expressed, *A Court of General Sessions of the Peace*, by the Justices of the Peace of the same County; or so many of them as are or shall be limitted in the Commission of the Peace: Who are hereby impowered to here and determine all Matters relating to the Conservation of the Peace, and Punishment of Offenders, and whatsoever is by them Cognizable according to Law; and to give Judgment and award Execution therein.

General Sessions of the Peace, their Constitution and Power.

4 *W.&M.* ca. 5, 7, 11, 13, & 20. 5 *W.&M.* ca. 8. 6 *W.&M.* ca. 2. 9 *W.* ca. 1. 10 *W.* ca. 8. 1 *A.* ca. 3. 11 *A.* ca. 1. 12 *G.* ca. 3. 1 *G.* 2 ca. 2. 4 *G.* 2 ca. 1. 15 *G.* 2 ca. 3.

And be it further enacted by the Authority aforesaid, That the Times and Places for the holding and keeping the said Courts of General Sessions of Peace within the respective Counties, shall be as followeth: *That is to say:* For the County of *Suffolk*; at *Boston*, on the first *Tuesdays* in *July*, *October*, *January*

The Times and Places for holding a Court of General Sessions of the Peace, in the several Counties.

16 G. 2 ca. 4. 24 G. 2 ca. 3. 27 G. 2 ca. 5. 32 G. 2 ca. 1.

*January*, and *April*: For the County of *Essex* at *Salem*, on the last *Tuesdays* in *June*, and *December*; at *Newbury*, on the last *Tuesday* in *September*; and at *Ipswich*, on the last *Tuesday* in *March*: For the County of *Middlesex*; at *Cambridge*, on the second *Tuesday* in *September*, at *Charlstown* on the second *Tuesdays* in *December* and *March*, and at *Concord* on the second *Tuesday* in *June*: For the County of *Plymouth*; at *Plymouth*, on the third *Tuesdays* in *September*, *December* and *June*, and on the first *Tuesday* in *March*: For the County of *Barnstable*; at *Barnstable*, on the first *Tuesdays* in *July*, *October*, *January* and *April*: For the County of *Bristol*; at *Bristol*, on the second *Tuesdays* in *July*, *October*, *January* and *April*: For the County of *York*; at *Wells*, on the first *Tuesdays* in *July* and *October*, and at *York*, on the first *Tuesdays* in *January* and *April*; For the County of *Hampshire*; at *Springfield*, on the first *Tuesday* in *September*, and third *Tuesday* in *May*, and at *Northampton*, on the first *Tuesdays* in *December* and *March*: For *Dukes* County; at *Edgar-Town*, on the first *Tuesday* in *October*, and on the first *Tuesday* in *March*: And for the Island of *Nantucket*; at the said Island, on the first *Tuesday* in *October*, and on the last *Tuesday* in *March*: Yearly and in every Year, from Time to Time.

Appeal to the Court of Assize.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Person aggrieved at the Sentence of the Justices in any Court of General Sessions of the Peace, to make his Appeal from such Sentence (the Matter being originally heard and tried in the said Court) unto the next Court of Assize and General Goal Delivery to be held within or for the same County, there to be finally issued.

Appellant to give Security for Prosecution, &c.

*Provided*, That no Appeal shall be granted, unless it be claimed at the Time of declaring the Sentence, and the Appellant enter into Recognizance, with two sufficient Sureties within the space of two Hours next after, in a reasonable Sum for his personal Appearance at the Court appealed to, and Prosecution of his Appeal there with Effect; and to abide and perform the Order or Sentence of the said Court thereon, and to be of the good Behaviour in the mean Time. And the Party appealing is to remain in Custody of an Officer, until he shall have given such Security. And the Officer not to be allowed above *twelve Pence* an Hour for his Time and Attendance.

See Resolve at the end of this Act.

Reasons of Appeal to be filed seven Days before the Sitting of the Court appealed to.

*Provided also*, That every such Appellant do file the Reasons of his Appeal in the Clerk's Office of the Court appealed unto seven Days before the Day of the Sitting of the said Court; and also at his own Cost, do take out and present unto the Court, an attested Copy of the Sentence, and likewise attested Copies of all the Evidences upon which the same was grounded. And the Appellant shall pay the like Fee for the entring of his Appeal in the Court appealed to, as is by Law required, for entry of an Action in a Civil Cause, and the like Fee to the Jurors, that shall try the same.

Jurors how to be chosen & summoned.

And be it further enacted by the Authority aforesaid, That in convenient Time before the Sitting of the said Court of General Sessions of the Peace in each respective County, the Clerk of the Peace in such County shall issue out Warrants directed to the Constables of the several Towns within the same County, or the most principal of them; requiring them to assemble the Freeholders and other Inhabitants of their Town qualified as in and by his Majesty's Royal Charter is directed, to elect and chuse so many good and lawful Men of the said Town or Districts thereof alike qualified as aforesaid, as the Warrant shall direct; to serve as Jurors at such Court. And the Constable shall summon the Persons so chosen, to attend accordingly at the Time and Place appointed; and make timely Return of his Warrant unto the Clerk that granted the same; on pain that every Constable failing of his Duty therein, shall forfeit and pay unto the County-Treasurer for the Use of the County, a Fine not exceeding *five Pounds*, nor less than *forty Shillings*, at the Discretion of the Justices of such Court: unless such Constable so failing of his Duty as aforesaid, shall seasonably make a reasonable Excuse unto the Justices of the said Court, for his Default, and the same be allowed of by them.

Penalty on Constables neglecting to make their Return

And

And if by reason of Challenge, or otherwise, there do not appear a sufficient Number of good and lawful Men to make up the Petty Jury or Juries, to serve at the said Court: Then and in such Case the said Jury or Juries, shall be filled up *De talibus circumstantibus*, to be returned by the Sheriff; and where the Sheriff is concerned or related to either of the Parties in any Case, to be returned by the Coroner.

Sheriff to return Jurors, in case there fail of a sufficient Number.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Person sentenced for any criminal Offence, by one or more Justices of the Peace out of Sessions, to appeal from such Sentence unto the next Court of General Sessions of the Peace to be held within the same County. Every such Appellant recognizing with Sureties in a reasonable Sum not exceeding *five Pounds*, for his Appearance at the Court appealed to, and to prosecute his Appeal there with Effect, and to abide and perform the Order or Sentence of the said Court thereon, which is to be final; and in the mean Time to be of the good Behaviour. And every such Appellent shall attend the same Rules and Method for bringing forward his Appeal at the said Court of General Sessions of the Peace, as before in this Act is provided in Case of Appeal from the said Court, to the Court of Assize and General Goal Delivery. And shall pay the like Fee for entring of his Appeal, as for the entring of a Civil Action in the Inferiour Court of Common Pleas; and the like Fee to the Jurors as is paid them in the said Inferiour Court.

Appeal from the Sentence of one or more Justices of the Peace.

[ *At a Great and General Court begun and held at* Boston *the 26th of* May 1708. *The following Resolve passed. viz. A Question being moved upon the third Section or Paragraph in the Act for holding of Courts of General Sessions of the Peace, &c. made and passed in the eleventh Year of King* William *the Third*; viz.

*Whether the Bond for the good Behaviour directed by the said Act to be given in Case of Appeal from the Sentence of the Justices, in any Court of General Sessions of the Peace, be demandable of any other, save of the Person prosecuted, convicted and sentenced for any Crime, and his Sureties?*

*Resolved in the Negative: And that the Law is so to be understood and practiced accordingly: Any Usage or Custom to the contrary notwithstanding.* ]

## CHAP. II.

## An Act for the Establishing of Inferiour Courts of Common Pleas in the several Counties of this Province.

Be it enacted and ordained by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That there shall be held and kept in each respective County within this Province; and at the Island of *Nantucket* within the same, yearly and every Year, at the Times and Places in this Act hereafter mentioned and expressed, *An Inferiour Court of Common Pleas*, by four substantial Persons, to be appointed and commissionated as Justices of the same Court in each County; any three of whom to be a *Quorum*, for the holding of the said Court; who shall have Cognizance of all civil Actions arising or happning within such County, triable at the common Law, of what Nature, Kind or Quality soever: And are hereby impowred to give Judgment therein, and award Execution thereupon.

Inferiour Court's Constitution and Power.

And be it further enacted by the Authority aforesaid, That the Times and Places for the holding and keeping the said Inferiour Court of Common Pleas within the several and respective Counties, shall be as followeth: *That is to say*: For the County of *Suffolk*; at *Boston*, on the first *Tuesdays in July, October, January*, and *April*: For the County of *Essex*; at *Salem*, on the last *Tues-*

Times and Places for holding them.

*days* in *June* and *December*; at *Newbury*, on the last *Tuesday* in *September*; and at *Ipswich*, on the last *Tuesday* in *March*: For the County of *Middlesex*: at *Cambridge*, on the second *Tuesday* in *September*, at *Charlstown*, on the second *Tuesdays* in *December* and *March*, and at *Concord*, on the second *Tuesday* in *June*: For the County of *Plymouth*; at *Plymouth*, on the third *Tuesdays* in *September*, *December* and *June*, and on the first *Tuesday* in *March*: For the County of *Barnstable*; at *Barnstable*, on the first *Tuesdays* in *July*, *October*, *January* and *April*: For the County of *Bristol*; at *Bristol*, on the second *Tuesdays* in *July*, *October*, *January* and *April*: For the County of *York*; at *Wells*, on the first *Tuesdays* in *July* and *October*, and at *York*, on the first *Tuesdays* in *January* and *April*: For the County of *Hampshire*; at *Springfield*, on the first *Tuesday* in *September*, and third *Tuesday* in *May*, and at *Northampton*, on the first *Tuesdays* in *December* and *March*: For *Dukes*-County; at *Edgar-Town*, on the first *Tuesday* in *October*, and on the first *Tuesday* in *March*: and for the Island of *Nantucket*; at the said Island, on the first *Tuesday* in *October*, and on the last *Tuesday* in *March*, yearly and in every Year, from Time to Time.

Altered as those of the General Sessions of the Peace in the preceeding Act.

And be it further enacted by the Authority aforesaid, That all Processes and Writs for the bringing any Cause or Suit to Trial in any of the said Inferiour Courts, shall issue out of the Clerk's Office of such Court in His Majesty's Name, under the Seal of the said Court, to be signed by the Clerk, and directed to the Sheriff or Marshal of the County, his Under-Sheriff or Deputy. And if such Process or Writ be against the Sheriff or Marshal, to be directed to the Coroner of such County: who is hereby impowred to execute the same. And where the Sum sued for is under *Ten Pounds*, may be also directed to the Constables of the Town. And Writs as well original as judicial issuing out of the Clerk's Office of the said Court shall run into any County and Place within this Province; and be there executed by the Officer or Officers of such County to whom they are directed. And all proper original Processes in the said Court, shall be Summons, Capias or Attachment, which shall be served and executed fourteen Days before the Day of the Sitting of the Court where such Writ or Process is returnable.

Writs to issue out of the Clerk's Office.

Coroner. 12 *W.* ca. 6. 3 *G.* ca. 8. 12 *G.* ca. 4.

To run thro' the Province. And to be Summons, Capias or Attachment.

*Provided*, That no Action under the Value of *forty Shillings* shall be brought into any of the said Inferiour Courts, unless where Freehold is concerned; or upon Appeal from a Justice of Peace.

Proviso for Actions under 40 *s.*

And be it further enacted by the Authority aforesaid, That in convenient Time before the Sitting of the said Inferiour Court in each respective County; the Clerk of such Court shall issue out Warrants directed to the Constables of the several Towns within the same County, or the most principal of them: requiring them to assemble the Freeholders and other Inhabitants of their Town qualified as in and by His Majesty's Royal Charter is directed; to elect and chuse so many good and lawful Men of the said Town or Districts thereof alike qualified as aforesaid, as the Warrant shall direct; to serve as Jurors at such Court. And the Constable shall summon the Person so chosen, to attend accordingly at the Time and Place appointed; and make timely Return of his Warrant unto the Clerk that granted the same; on pain that every Constable failing of his Duty therein, shall forfeit and pay unto the County Treasurer for the Use of the County a Fine not exceeding *five Pounds*, nor less than *forty Shillings*, at the Discretion of the Justices of such Court: Unless such Constable so failing of his Duty as aforesaid, shall seasonable make a reasonable Excuse unto the Justices of the said Court, for his Default, and the same be allowed of by them.

Clerks to issue out Warrants.

And if by Reason of Challenge, or otherwise, there do not appear a sufficient Number of good and lawful Men to make up the Petty Jury or Juries to serve at the said Court; then and in such Case the said Jury or Juries shall be filled up *De talibus circumstantibus*, to be returned by the Sheriff; and where the Sheriff is concerned, or related to either of the Parties in any Case, to be returned by the Coroner.

CHAP.

## CHAP. III.

## An Act for eſtabliſhing a Superiour Court of Judicature, Court of Aſſize, and General Goal Delivery within this Province.

Superiour Court of Judicature Court of Aſſize &c. their Conſtitution and Power. 6 *W. & M.* ca. 2. 7 *W.* ca. 6. 8 *W.* ca. 3. 6 *G.* ca. 6.

BE it enacted and ordained by his Excellency the Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That there ſhall be a Superiour Court of Judicature, Court of Aſſize, and General Goal Delivery over this whole Province, to be held and kept annually at the reſpective Times and Places in this Act hereafter mentioned and expreſſed, by one chief Juſtice, and four other Juſtices to be appointed and commiſſionated for the ſame; any three of whom to be a *Quorum*, who ſhall have Cognizance of all Pleas, real, perſonal or mixt, as well all Pleas of the Crown, and all Matters relating to the Conſervation of the Peace, and Puniſhment of Offenders; as civil Cauſes or Actions between Party and Party; and between his Majeſty and any of his Subjects, whether the ſame do concern the Realty, and relate to any Right of Freehold and Inheritance; or whether the ſame do concern the Perſonalty and relate to Matter of Debt, Contract, Damage or perſonal Injury; and alſo all mixt Actions which concern both Realty and Perſonalty brought before them by Appeal, Review, Writ of Error, or otherwiſe as the Law directs. And generally of all other Matters as fully and amply to all Intents and Purpoſes whatſoever, as the Courts of King's Bench, Common Pleas and Exchequer within his Majeſty's Kingdom of *England*, have or ought to have. And are hereby impowred to give Judgment therein, and award Execution thereupon.

Times and Places for holding Superiour Courts. 1 *G.* 2 ca. 11. 16 *G.* 2. ca. 4. 21 *G.* 2. ca. 2. 24 *G.* 2. ca. 3. 27 *G.* 2. ca 5. 20 *G.* 2. ca. 3.

And be it further enacted by the Authority aforeſaid, That the Times and Places for the holding and keeping of the ſaid Superiour Court of Judicature, Court of Aſſize and General Delivery, ſhall be as followeth: *That is to ſay:* Within and for the County of *Suffolk*, at *Boſton*, upon the firſt *Tueſdays* in *November* and *May*; within and for the County of *Eſſex*, at *Salem*, on the ſecond *Tueſday* in *November*; and at *Ipſwich*, on the third *Tueſday* in *May*: within and for the County of *Middleſex*; at *Cambridge*, on the laſt *Tueſday* in *July*; and at *Charlſtown*, on the laſt *Tueſday* in *January*: within and for the County of *Hampſhire*; at *Springfield*, on the ſecond *Thurſday* in *Auguſt*: within and for the County of *York*; at *Kittery*, on the *Thurſday* in the Week next before the Time herein ſet and appointed for the Sitting of the ſaid Superiour Court at *Ipſwich*: for the Counties of *Plymouth*, *Barnſtable* and *Dukes County*; at *Plymouth*, on the laſt *Tueſday* in *March*: and within and for the County of *Briſtol*; at *Briſtol*, on the ſecond *Tueſday* in *September* yearly, and in every Year, from Time to Time.

Nantucket. 7 *G.* ca. 8.

And be it further enacted by the Authority aforeſaid, That there ſhall be held and kept a Superiour Court of Judicature, Court of Aſſize and General Goal Delivery, for the hearing and determining of any capital Offence or Offences that ſhall ariſe or happen within the Iſland of *Nantuckett*, at ſuch Place within the ſame, and at ſuch Time as the Governour and Council adviſing with the Juſtices of the ſaid Court ſhall from Time to Time direct and appoint, according as Occaſion may be.

12 *G.* ca. 8.

*Provided neverthelefs*, That the Trial of all Matters and Cauſes by Appeal from the Court of General Seſſions of the Peace, or Inferiour Court of Common Pleas reſpectively within the ſaid Iſland of *Nantuckett*, or by Writ of Error relating to any Judgment given in the ſaid Inferiour Court; ſhall be in the Superiour Court of Judicature, Court of Aſſize and General Goal Delivery, to be held within the Counties of *Suffolk* or *Middleſex*.

Proceſs to be ſerved fourteen Days before the Courts Siting.

And be it further enacted by the Authority aforeſaid, That all Proceſſes and Writs iſſuing out of the ſaid Superiour Court of Judicature to be held within or for any County within this Province, ſhall be in his Majeſty's Name, under the Seal of the ſaid Court, and ſigned by the Clerk thereof, and ſhall be

directed to the Sheriff, his Under Sheriff or Deputy, or other proper Officers, who are hereby impowred and required to obſerve and execute the ſame: And ſhall run into any County or Place within this Provincce, and be there executed by the Officer or Officers of ſuch County or Place to whom they are directed. And all Proceſſes for the Trial of civil Cauſes in the ſaid Court upon Review or in other Caſes which by Law may be originally there brought, ſhall be ſerved and executed fourteen Days before the Day of the Sitting of the Court where ſuch Writ or Proceſs is returnable.

Jurors how to be choſen.

And be it further enacted by the Authority aforeſaid, That in convenient Time before the Sitting of the ſaid Superiour Court of Judicature, Court of Aſſize and General Goal Delivery in ea h reſpective County, the Clerk of the ſaid Court ſhall iſſue out Warrants directed to the Conſtables of the ſeveral Towns within the County or Juriſdiction of the ſaid Court, or the moſt principal of them; requiring ſuch Conſtables to aſſemble the Freeholders and other Inhabitants of their Town qualified as in and by his Majeſty's Royal Charter is directed, to elect and chuſe ſo many good and lawful Men of the ſaid Town or Diſtricts thereof, alike qualified, as aforeſaid, as the Warrant ſhall direct, to ſerve as Jurors at the ſaid Court: And the Conſtable ſhall Summon the Perſons ſo choſen, to attend accordingly at the Time and Place appointed, and make timely Return of his Warrant unto the Clerk that granted the ſame; on pain that every Conſtable failing of his Duty therein, ſhall forfeit and pay unto the County Treaſurer for the Uſe of the County, a Fine not exceeding *Five Pounds*, nor leſs than *forty Shillings*, at the Diſcretion of the Juſtices of the ſaid Court: Unleſs ſuch Conſtable ſo failing of his Duty as aforeſaid, ſhall ſeaſonably make a reaſonable Excuſe unto the Juſtices of the ſaid Court for his Default, and the ſame be allowed of by them,

Penalty on Conſtables not returning their Warrants for choice of Jurors.

Sheriff to return Jurors, in Caſe there do not appear a ſufficient Number.

And if by Reaſon of Challenge, or otherwiſe, there do not appear a ſufficient Number of good and lawful Men to make up the Petty Jury or Juries, to ſerve at the ſaid Court: Then and in ſuch Caſe the ſaid Jury or Juries, ſhall be filled up *De talibus circumſtantibus*, to be returned by the Sheriff; and where the Sheriff is concerned or related to either of the Parties in any Caſe, to be returned by the Coroner.

## CHAP. IV.

## An Act in Addition to the Act for Regulating the Militia.

Preamble.

*WHEREAS in and by the Act Intituled*, An Act for regulating the Militia, *among other Things therein contained*: It is enacted, "That Drums, Drummers, Trumpets, Trumpeters, Colours and Banners,

5 *W. & M.* ca. 7. "be by the Commiſſion Officers of each Troop or Company, provided at the "Charge of the reſpective Companies and Troops, where they are not already "provided; and the Fines will not reach to procure the ſame:" *But no Direction being given by the ſaid Law, how or in what Manner ſuch Charge ſhall be raiſed and levied upon ſuch Company or Troop:*

Commiſſion Officers to make Aſſeſſment for Drums Trumpets, &c.

Be it therefore enacted by his Excellency the Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That when and ſo often as the Fines ariſing in any military Company or Troop, ſhall not be ſufficient to anſwer the Charge of providing ſuitable Drums, Trumpets, Colours and Banners; and the Support of Drummers or Trumpeters: the Commiſſion Officers of ſuch Company or Troop reſpectively, are hereby authorized and impowred, to aſſeſs ſo much as ſhall be wanting and neceſſary for that Uſe and Occaſion, upon their Company or Troop; and to proportion the ſame in the moſt equal Manner they may, upon all the Perſons entred in the Roll of ſuch Company or Troop, and liable to attend any military Duty in the ſame; having due Regard unto Perſons Ability for Eſtate and other Circumſtances. And where there be Sons and Servants, their Parents or Maſters to pay for them, if they cannot do it themſelves. And the Aſſeſſments ſo made, being ſigned by the Commiſſion Officers, ſhall be committed unto the Clerk of ſuch

Company

Company or Troop, together with a Warrant from the chief Officer of the ſame, requiring the ſaid Clerk to collect and pay in the ſame unto himſelf, to be employed and diſpoſed to the Uſe aforeſaid: and to make Diſtreſs of all Perſons that ſhall neglect or refuſe to pay their Proportion thereof. And ſuch Clerk is hereby impowred and required to execute ſuch Warrant accordingly, and to pay in the ſaid Monies unto his chief Officer. And if any fail in their Betruſtment and Duty aforeſaid, they ſhall be liable to give Account to their ſuperiour Officers, from Time to Time.

## CHAP. V.

## An Act for the ſuppreſſing and puniſhing of Rogues, Vagabonds, common Beggars, and other lewd, idle and diſorderly Perſons: And alſo for ſetting the Poor to Work.

House of Correction to be provided in each County.

BE it enacted by his Excellency the Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That there ſhall be erected, built or otherwiſe provided in every County within this Province, at the Charge of ſuch County; a fit and convenient Houſe or Houſes of Correction (where ſuch a Houſe is not already provided) with convenient Accommodations thereunto adjoining and belonging; to be uſed and employed for the keeping, correcting and ſetting to Work of Rogues, Vagabonds, common Beggars, and other lewd, idle and diſorderly Perſons. And until ſuch Houſe or Houſes of Correction be erected, built or otherwiſe provided, the common Priſon in each County may be made Uſe of for that Purpoſe.

4 W. & M. ca. 15

Juſtices in their Seſſions to appoint a Maſter of the Houſe of Correction.

And be it further enacted by the Authority aforeſaid, That the Juſtices of Peace in every County at the General Seſſions of the Peace, to be holden for the ſame County, from Time to Time, may nominate and appoint at their Will and Pleaſure, an honeſt fit Perſon to be the Maſter of ſuch Houſe of Correction: And it ſhall and may be lawful to and for the ſaid Court, or any one Juſtice of the Peace out of Court, to ſend and commit unto the ſaid Houſe, to be kept and governed according to the Rules and Orders thereof, all Rogues, Vagabonds, and idle Perſons, going about in any Town, or County, begging; or Perſons uſing any ſubtle Craft, Jugling or unlawful Games or Plays; or feigning themſelves to have Knowledge in Phyſiognomy, Palmeſtry; or pretending that they can tell Diſtinies, or Fortunes, or diſcover where loſt or ſtol'n Goods may be found; common Pipers, Fidlers, Runaways; ſtubborn Servants or Children, common Drunkards, common Night Walkers, Pilferers, wanton and laſcivious Perſons, either in Speech or Behaviour; common Railers, or Brawlers; ſuch as neglect their Callings, miſpend what they earn, and do not provide for themſelves, or the Support of their Families; upon due Conviction of any of the Offences or Diſorders aforeſaid.

Rogues, Vagabonds, &c. to be ſet to Work.

And be it further enacted by the Authority aforeſaid, That the Maſter of ſuch Houſe of Correction to be appointed as aforeſaid, ſhall have Power and Authority, and ſhall ſet all ſuch Rogues, Vagabonds, Beggars, and other lewd, idle and diſorderly Perſons, as aforeſaid, that ſhall be duly ſent or committed unto his Cuſtody, to Work and Labour (if they be able) for ſuch Time as they ſhall continue and remain in the ſaid Houſe; and to puniſh them by putting Fetters or Shackles upon them, and by moderate whipping, not exceeding ten Stripes at once; which (unleſs the Warrant of Commitment ſhall otherwiſe direct) ſhall be inflicted at their firſt coming in, and from Time to Time; in Caſe they be ſtubborn, diſorderly or idle, and do not perform their Taſks, and that in good Condition, according as they ſhall be reaſonably ſtinted: or to abridge them of their Food, as the Cauſe ſhall require, until they be reduced to better Order.

And puniſhed by Whipping &c.

*And for the better ſupport and governing of the ſaid Houſe of Correction; and for employing of ſuch Perſons as ſhall be committed to the ſame:*

Justices in their Sessions to make Orders for governing the House of Correctio.

Be it further enacted by the Authority aforesaid, That the Justices of each County in their Court of General Sessions of the Peace, shall be, and hereby are authorized and impowered, to make necessary Rules and Orders from Time to Time, as they shall find Occasion; for the ruling, governing and punishing of such Persons so to be committed, agreable to the Laws of this Province: And such Rules and Orders as shall be made in that Behalf by the Justices in their General Sessions, shall be of Force, and be duly performed and put in Execution.

How Persons sent to the House of Correction are to be supported.

And be it further enacted by the Authority aforesaid, That when any Person or Persons shall be committed to the said House of Correction, from any Town or Towns in this Province, the Select-Men of such Town to which the said Person or Persons belongs, shall take Care, and at the Cost and Charge of the said Town shall provide, as there shall be Occasion, suitable Materials; such as shall be necessary and convenient for the keeping such Person or Persons so committed, to Work, during his or their Abode there; and shall deliver the same to the Master or Keeper of the said House, to be improved for that End. And where any stubborn Children or Servants, that are under the immediate Care and Government of their Parents and Masters, shall be committed to the said House; the Parents or Masters of such Children or Servants (if able) shall take care to provide such Things as may be necessary for the keeping of them to Work and Labour, during their Abode in the said House. And no Person to be committed to the said House of Correction that is able to Work, shall in any Sort be chargeable to the County, for any Allowance; either at their bringing in, going forth, or during the Time of their Abode there: but shall only be allowed for their Labour and Work, the Sum of *eight Pence* out of every *Shilling* they shall earn; and the Over-plus of such their Earnings, to be unto the Master or Keeper of the said House, to Account for: And if such Persons are Masters or Heads of Families, then and in such Case, the whole Profit and Benefit of their Labour, or so much thereof as the Court of General Sessions of the Peace shall think necessary and direct, shall be for the Relief and Support of such Persons and their Families. And if any Person or Persons to be committed to the said House, shall be unable to Work, or be Weak or sick; then to be relieved by the Master or Keeper of such House; who shall be again reimbursed what he shall so necessarily expend for the Relief of such Person or Persons, by the Select-Men of such Town to which the said Person doth belong; and the Select-Men to assess the same upon the Inhabitants of such Town or Precinct: except the Person or Persons so committed to the said House, being unable to work or being weak or sick, were at the Time of his, her, or their Commitment, in their Minority, and under the Care of their Parents or Masters: Then and in every such Case, the Parents or Masters of such Person or Persons, shall reimburse what necessary Charges the Master or Keeper of the said House of Correction shall necessarily expend for their Relief.

Master of the House of Correction, to be paid for his Care, &c.

And be it further enacted by the Authority aforesaid, That the Master or Keeper of the said House of Correction shall for his Care, Labour and Service, in looking after the Person or Persons that from Time to Time shall be committed to his Care and Custody; and also for relieving any Person or Persons that shall happen to be weak or sick in his Custody, have such reasonable Allowance and Satisfaction made him, by the Parents or Masters of such Person or Persons so committed, if under their immediate Care and Government; or otherwise by the Town to which said Person or Persons do belong, as the Justices at the Court of General Sessions of the Peace for such County shall direct and appoint; if the Earnings of such Person or Persons be not sufficient to discharge the same, over and above what is allowed them out of their Earnings for their Relief.

And to keep an Account of the Earnings of those committed to his Custody.

And the Master or Keeper of every such House, shall keep an exact Account of all Profits and Earnings that shall be made by the Labour of those under his Custody from Time to Time, and present the same (upon Oath if required) unto the Justices of the same County, at their General Sessions of the Peace; out of which Earnings, the said Master or Keeper of the said House shall have his Allowance:

lowance: and if any Overplus be, it shall be to the Town to which the said Person or Persons doth belong; or to their Parents or Masters, according as the Circumstance of the Case may be. And the Master or Keeper of any such House of Correction that shall refuse to Account as aforesaid; or shall otherwise be negligent of his Duty required by this Act, shall be liable to such Fine or Punishment as by the Discretion of the Court of General Sessions of the Peace in such County shall be awarded.

*And for the better employing and setting the Poor to Work;*

Be it further enacted by the Authority aforesaid. That where there is a House already built in any Town, with Intent to be improved for a Work-House, to set their Poor on Work, or shall hereafter be built for that Purpose, and the Inhabitants of such Town shall grant a Tax or Assessment, for the raising of a Stock wherewith to provide necessary and suitable Materials, Tools and Implements, for employing and setting their Poor on Work at such House; the Select-Men of the same Town for the Time being shall proportion such Tax or Assessment upon the Inhabitants thereof, in the most just and equal Manner they may, according to the Rules and Methods for the Time being prescribed by Law for proportioning the Province Tax; and shall grant Warrants for collecting the same, in like Manner as the Law directs for the gathering of other Town Rates or Assessments: And the Justices of Peace residing in any such Town, together with the Select-Men thereof, are hereby impowred and authorized, to nominate and appoint from Time to Time, three or more sufficient Persons of their Inhabitants, as a Master and Wardens; to govern, inspect and take care that all Persons of the same Town employed at the said Work-House, or sent thither by any two Justices of the Peace, *Quorum Unus*, to be kept to Work there; be held and kept strictly to Work: And that all idle and disorderly Persons, and such as do not duly perform such reasonable Task or Stint as shall be set them, be punished by moderate whipping, or setting in the Stocks. And all Stock, Materials, Tools and Implements, to be raised and provided as aforesaid, shall be committed into the Hands of such Master and Wardens; to be managed, used and employed, according to their Discretion, for the employing and setting to Work all such Persons as shall be under their Inspection and Government. And the said Master and Wardens, are also hereby impowred to demand, sue for, recover, accept, receive and take, any Gifts, Bequests and Donations, that are, or shall be made and given by any Person or Persons, to the Use of the Poor, for and towards a Stock for such Work-House; and to employ and dispose the same accordingly: and shall once a Year, or oftner, from Time to Time, if required, render an Account upon Oath unto the Town, of their Management, Employment and Disposal, of all Monies or other Stock to be committed unto them; or that by any other Ways or Means, as aforesaid, shall come to their Hands, and of the Profits and Incomes made thereof: and shall have such reasonable Allowance and Recompence made unto them for their Trouble, Pains and Service, in and about this Affair, as the Town shall agree and order. And all Stock to be raised, or otherwise obtained as aforesaid, with the Increase, Profits and Improvements, from Time to Time made thereof, shall be kept entire, and applied to, and for the Ends and Uses before-mentioned, and for answering of the necessary Charges arising on and about the Repairing and keeping of the said House, and the subsisting of those that shall be there employed; and to no other Use whatsoever.

Select-Men to proportion any Assessment, that may be granted by the Inhabitants of any Town; for a Stock to set their Poor on Work.

Master and Wardens to be appointed for such Work-House.

Their Power.

All Stock to be kept entire for the said Works.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful, to and for any two Justices of the Peace (*Quorum Unus*) to send unto such Work-House, to be there employed and kept to Work, all Persons belonging to the same Town, being able of Body, that live idly or disorderly, misspend their Time; or that go about begging, or receive Alms from the Town. And the Master of such House shall receive and keep them to Work accordingly.

Two Justices may commit to the Work-House. 13 *W.* ca. 19.

CHAP.

## CHAP. VI.

### An Act appointing the Sheriff to have the keeping of the common Goal, and the Prisoners therein.

Sheriff to have the Custody of the Goal and Prisoners therein.

BE it enacted by his Excellency the Governour, Council and Representatives, in General-Court assembled, and by the Authority of the same, That the Sheriff of each several County within this Province have the Custody, Rule, Keeping and Charge of every of the King's common Goals, Prisons, and Prisoners in the same, in the County where he is Sheriff, during the Time of his Office; to be held and kept by himself or his lawful Deputy or Under-keeper, for whom the Sheriff shall be answerable. And every Sheriff shall give sufficient Security at the Discretion of the Court of General Sessions of the Peace in the same County, unto the King's Majesty, for the due and faithful Discharge and Performance of his Office in all the Parts thereof.

To give Security.

*And for Encouragement unto the Sheriff to take and use all possible Care and Diligence for the safe keeping of the Prisoners that shall be committed to his Custody:*

Salary.

Be it further enacted by the Authority aforesaid, That the Sheriff of every County shall have such Salary allowed him for the same, as the Justices of the Court of General Sessions of the Peace within the same County shall think fit and order, not exceeding *Thirty Pounds* per Annum for the County of *Suffolk*; and not exceeding *Ten Pounds* a piece in each of the other Counties within the Province; to be paid out of the Treasury of such County.

## CHAP. VII.

### An Act for keeping of Watches in Towns.

5 *W. & M.* ca. 7.

BE it enacted by his Excellency the Governour, Council and Representatives, in General-Court assembled, and by the Authority of the same, That from Time to Time, when and so often as a military Watch shall not be ordered and appointed to be kept, the Justices of Peace, together with the Select-Men of each Town within this Province; and in such Towns where no Justice of the Peace dwells, the Select-Men by themselves, are hereby impowred and authorized to direct and order a sufficient Watch or Watches to be set up and kept nightly within such Town; from and after nine a Clock in the Evening, until Sun rising in the Morning, and the Place or Places where to set the same; and also a Ward to be kept every Lord's Day, and other Day, as they shall think to be needful; and to appoint the Numbers whereof such Watch and Ward shall consist, and the Time for the beginning and continuance of the same. And the Constable or Constables of the Town, having Orders accordingly given him or them in writing, by the Justices and Select-Men or the Select-Men only, in such Towns where no Justice of Peace dwells, are hereby impowred and required from Time to Time, to warn such Watch and Ward respectively, and to see that all Persons so warned by them do attend and observe their Duty in that Regard, and to take Care in the warning thereof, that such Watch or Ward do not consist of all or the greater Part Youths, but that some able Housholders, or other sufficient Persons be joined with them. And the Constables are hereby enjoined to give in Charge to the Watch to see that all Disturbances and Disorders in the Night be prevented or suppressed, and to examine all Persons whom they shall see walking abroad in the Night after ten a Clock, of their Business abroad at such Season, and whither they are going; unless they be known, orderly and peaceful Persons; and in Case they give not reasonable Satisfaction therein, or are Persons of ill Behaviour, or justly suspected to have any unlawful Intention or Design, then to secure by Imprisonment or otherwise all such disorderly and suspicious Persons, to be safely kept until the Morning, and then to carry them before one of the next Justices of the Peace to be examined and proceeded against

Justices and Select Men to appoint a Watch to be kept in Towns.

11 *A.* ca. 6.

To be warned by the Constable.

against according to the Nature of their Offence as is by Law directed. And such Watchmen shall walk the Rounds in and about the principal inhabited Parts within such Town, to prevent any Danger by Fire, and to see that good Orders be kept, taking particular Observation and Inspection of all Houses and Families of evil Fame; and shall strictly observe the Charge to be given them as aforesaid. Houses of ill Fame to be observed.

And be it further enacted by the Authority aforesaid, That all Male Persons in each Town respectively of the Age of sixteen Years or upwards, being able of Body, or having Estate sufficient to hire, shall be liable to Watch and Ward either in their own Persons, or by some other sufficient Person or Persons in their Room, when duly warned to attend the same: Except the Members of the Council, Justices of the Peace, Members of the Assembly for the Time being, the President, Fellows and Students at the College, Ministers, Grammar School-Masters, the Sheriff of each County, the chief Commmission Officer of each military Company and Troop for the Time being, the Officers of the Governour's Troop of Guards; and Persons living two Miles from the Place where the Guard is kept. Persons liable to watch. Exception.

And be it further enacted by the Authority aforesaid, That if any Persons liable to Watch or Ward as aforesaid, being duly warned by the Constable, or other Person by his Appointment, shall refuse or neglect to appear, and attend their Duty in that Regard, either by themselves, or some other sufficient Persons in their Stead, and be thereof convicted before a Justice of the Peace, either by the Oath of such Constable, or other sufficient Testimony upon Oath, without a just and reasonable Excuse to be made and given for the same: Every Person so offending, shall forfeit and pay to the Use of the Poor in such Town, the Sum of *five Shillings*; and have the said Sum with the Charges of Prosecution levied by Distress and Sale of his or her Goods or Chattels, or otherwise be committed to Prison until the same be paid. And the Constables of each Town are required from Time to Time to observe and perform the Orders that shall be given them as aforesaid; on pain of being fined to the Use of the Poor within such Town, not exceeding *forty Shillings*. Penalty for not giving their Attendance when warned.

Provided nevertheless, and be it further enacted by the Authority aforesaid, That in any Town where the Members of the Council, and the Justices of the Peace within such Town, together with the Select-men thereof, or the Select-men by themselves, where no Member of the Council nor Justice dwells, shall judge that a Watch may be kept in such Town more for the Benefit and Safety thereof in other Manner than is herein before directed, the Inhabitants also agreeing to support the Charge thereof: The Justices in the Court of General Sessions of the Peace within the County where such Town doth lie, upon Application to them made in that Behalf, are hereby impowered and authorized to direct and order the Rule for apportioning and levying of such Sum upon the Inhabitants and Residents in such Town, as shall be granted by the Town for that Purpose, in such Manner as they shall judge most equal and reasonable, by Poll, Estate or both, to be applied accordingly. Provision for keeping a Watch in another Form where it may be judged better.

## CHAP. VIII.

## An Act in Addition to the Act for Regulating of Townships, &c.

BE it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Freeholders and other Inhabitants of each Town duly qualified to vote in Town Affairs, at the Time of their annual Meeting, for the choice of Town Officers, shall choose a suitable Person to be Treasurer for such Town; who shall be sworn before a Justice of the Peace, to the true and faithful Discharge of his Trust; who is hereby impowred to administer the said Oath. And such Treasurer shall, and hereby is impowred to 4 W&M. ca. 13. Town Treasurer to be annually chosen.

His Power. demand and receive all Debts, Rents and Dues belonging or owing to ſuch Town, or the Poor thereof; and to ſue for and recover the ſame by due Proceſs in the Law; and ſhall pay out ſuch Monies, according to Order from the Select-Men, or Overſeers of the Poor; purſuant to ſuch Inſtructions as they ſhall receive from the Town: And every ſuch Treaſurer ſhall annually make and To Accompt. render a true Account to the Town of all his Receipts and Payments: And ſhall have ſuch Allowance for his Service, as ſhall be agreed and ordered by the Town.

## Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of the Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and held at *Boſton* the thirty-firſt Day of *May*, 1699. And continued by ſeveral Prorogations until Wedneſday the thirteenth of *March* following, and then Sat.

### CHAP. I.

### An Act for putting the Militia of this Province into a Readineſs for Defence of the ſame.

5 *W.&M.* ca. 7. *WHEREAS by the Law of this Province, it is already provided,* "That in Caſe of Alarms made either from a Sea-Port Town, or other "Town, lying Frontier to, or in Danger of an Enemy; the Captain or "Captains of the adjacent Towns ſhall forthwith go or ſend ſuch Relief "as they ſhall judge meet for the Offence of the Enemy, and Defence of them-"ſelves, *&c.*" *But for as much as the Occaſion may be ſuch and ſo ſudden, as it*

Preamble. *may be neceſſary to call together, Arm, Array, and put into a Poſture for War the whole Militia and Forces of one or more Regiments, for the Defence of the Province, and his Majeſty's Subjects therein, in Caſe of Invaſion or near Approach of an Enemy, before the Notices thereof can reach the Captain General or Commander in Chief, to have Directions or Orders from him for the ſame:*

Military Commiſſion Officers impowred, by Force of Arms to encounter any hoſtile Enterprize. **Be it therefore enacted and declared by his Excellency the Governour, by and with the Advice and Conſent of the Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame,** That all Perſons commiſſioned by the Captain General or Commander in Chief of this Province, for the Time being, to bear Office in any military Company or Troop within the ſame, be, and hereby are impowered and authorized by virtue of ſuch Commiſſion, when and as Occaſion ſhall require, in the Caſes and to the Intents and Purpoſes aboveſaid, to Arm, Array and Weapon the Company or Troop reſpectively under their Command, or Part of them; and by Force of Arms, to encounter, repel, purſue, kill and deſtroy any that ſhall appear in hoſtile Manner to attempt or enterprize the Deſtruction, Invaſion, Detriment or Annoyance of any of his Majeſty's Subjects, Forts, Garriſons, Towns or Plantations within this Province. And that ſuch Officer or Officers ſo taking to Arms, ſhall forthwith diſpatch Notice to his or their ſuperiour Officer of his or their Motion and the Occaſion thereof, and obſerve ſuch Commands and Orders as he or they ſhall receive from him.

Colonel or chief Officer of any Regiment, his Power. **And be it further enacted by the Authority aforeſaid,** That the Colonel or chief Officer of each Regiment be, and hereby is impowered and authorized, as Occaſion ſhall require, in any of the Caſes, and to the Intents before-mentioned from Time to Time, to aſſemble in martial Array, and put into warlike Poſture the whole Militia of the Regiment under his Command, or ſuch Part of them as he ſhall think needful, upon any Alarm, Invaſion, or Notice of the Appearance of an Enemy by Sea or Land: And the Regiment, Companies or Troops ſo armed, arrayed, and put into warlike Poſture, or Part of them, to lead, conduct and

employ;

employ; or to appoint some other fit Person by writing under his Hand to lead, conduct and employ them as well within the Regiment and County whereto they belong, as into any other adjacent County or Place within this Province, for the assisting, succouring and relieving any of his Majesty's Subjects, Forts, Garrisons, Towns or Places, that shall be assaulted by an Enemy, or in Danger thereof; and with such Party, Companies or Troops, by Force of Arms, to encounter, repel, pursue, kill and destroy such Enemy, or any of them, by all fitting Ways, Enterprises and Means whatsoever. And the Colonel or chief Officer of such Regiment so taking to Arms, or sending forth any Party of Men, shall forthwith Post away the Intelligence and Occasion thereof unto the Captain General or the Commander in Chief for the Time being; and shall attend and observe such Directions and Orders as he shall receive from him. And in Case it happen the Colonel or chief Officer of any Regiment be out of the Limits or Precincts of the Regiment, for which he is or shall be commissionated, at the Time of any Invasion, Attack or Appearance of an Enemy; or Alarm given from any of the neighbouring Towns or Regiments; the next Commission Officer then within the Regiment, shall have, use and exercise the same Powers and Authorities herein before granted, until the return of the Colonel, or other superiour Officer. And such Officer so acting shall Post away the Intelligence thereof, with the Occasion for the same, as aforesaid, unto the Captain General, or the Commander in Chief for the Time being; and shall attend and observe such Directions and Orders as he shall receive, from the Captain General or Commander in Chief therein.

To Post away Intelligence to the Captain General, &c.

The like Power given to the next Commission Officer, in Case of the Absence of the chief Officer.

*And for the better preventing of false Alarms by disorderly shooting off Guns in the Night:*

Be it further enacted by the Authority aforesaid, That no Person or Persons whatsoever in any Town or Garrison, shall during the Time of War or of keeping a military Watch in such Town or Garrison, presume to discharge or shoot off any Gun or Guns after the Sun's setting, or before the Sun's rising; unless in Case of Alarm, approach of an Enemy, or other necessary Defence: on pain that every Person so offending, and being thereof convicted before one or more of his Majesty's Justices of the Peace, shall forfeit and pay the Sum of *twenty Shillings* for each Gun so discharged; one Moiety thereof to and for the Use of the Poor of the Town where the Offence shall be committed, and the other Moiety to him or them that shall inform or prosecute for the same. And if such Offender shall not have wherewith to answer the said Fine; or shall refuse or neglect to pay the same, then he shall be set in the Stocks, not exceeding two Hours Time.

Penalty for shooting off Guns after Sun set, and before Sun rising.

And in Case any Person so offending be belonging to any Garrison or Forces in actual Service, and borne in his Majesty's Pay, he shall be punished at the Discretion of a Court martial; or the Commission Officers of the Garrison, Company, or Troop whereto he belongs, by putting into the Bilboes, laying Neck and Heels, or riding of the wooden Horse.

## CHAP. II.

## An Act against Deserters.

Preamble.

*FOR the better preventing of Soldiers or Mariners Departure from their Captains or Commanders without Leave, or deserting his Majesty's Service:*

Penalty for deserting his Majesty's Service.

Be it enacted and declared by his Excellency the Governour, by and with the Advice and Consent of the Council and Representatives, in General Court assembled, and by the Authority of the same, That no Soldier or Mariner retained in his Majesty's Service, and borne in his Majesty's Pay in Garrison, or elsewhere, by Sea or Land, shall depart without Licence of his Commander, and desert his Majesty's Service; on pain of being proceeded against as a Felon; and shall suffer the Pains of Death, or some other grievous Punishment, at the Discretion of the Court before whom the Trial shall be.

How Deserters shall be tried.

And every Justice of the Peace within his Precinct, is hereby authorized and required to cause all such Deserters or Run-away Soldiers or Mariners, which he shall know or be informed of, to be apprehended and secured, in order to a Trial at the next Assizes to be holden for the same County where they shall be taken; or at the Court of Oyer and Terminer by Commissioners to be specially appointed and impowred for that Purpose.

## CHAP. III.

## An Act in Addition to the Act for building with Stone or Brick in the Town of *Boston*, and preventing Fire.

4 *W.* & *M.* ca. 1.

*FOR AS MUCH as notwithstanding the good and wholsome Provision made and established by the said Act Intituled* An Act for building with Stone or Brick in the Town of *Boston*, and preventing Fire, *pass'd in the fourth Year of the Reign of his present Majesty, and of the late Queen* MARY, *his Royal Consort, of happy Memory; divers Persons the Penalty in the said Act not regarding, have been so hardy as to erect and build Houses, Tenements, and Edifices of Timber, contrary to the express Prohibition, true Intent and Meaning of the said Law. And for as much as the demolishing of such Houses and Buildings (being now finished) and proceeding according to the Directions of the said Law, would probably be thought over great Severity: Yet that such bold and open Contempt may not pass wholly unpunished; and to the Intent that others may be deterred from doing the like for the future:*

Preamble.

Penalty on such as have built with Timber contrary to Law.

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Court of General Sessions of the Peace within the County of *Suffolk*, be and is hereby impowered and required to take effectual Order for the enquiring after and conventing before them, all Persons that have so transgressed as aforesaid, in having presumed to erect, or that have caused to be erected, and set up within the Town of *Boston* aforesaid, any House, Edifice or Building of Timber; or of Brick or Stone, and not covered the same with Slate or Tyle, contrary to the afore-recited Act, and the true Intent and Meaning thereof; not having had and obtained Licence from the Governour and Council, for his or their so doing: or that have not observed and performed the Terms or Conditions of such Licence; and upon due Conviction of any such Offence, to fine every such Person and Persons, at the Discretion of the said Court, according to the Circumstances aggravating the Offence, with Respect to the Place where such House or Building is erected, or otherwise; not exceeding the Sum of *Fifty Pounds*, for one Offence, which shall excuse them from any further Penalty of the Law. All such Fines to be applied towards the raising of a Stock for setting of the Poor on Work within the said Town, at the Work-House, for that Purpose appointed or to be appointed.

Fines how to be applied.

Grand Jury to inquire and present such Transgressions.

And the Grand Jury for the said County from Time to Time, are required diligently to inquire after, and to present unto the Court all Transgressions of the Law in that Kind, which shall come to their Knowledge.

*And in as much as it may be of no apparent Hazard unto the said Town, and for the Ease and Benefit of divers Inhabitants and Proprietors within the same, that in some Parts of the said Town of* Boston, *Timber Buildings should be permitted and allowed to be erected:*

Governour and Council may grant Licence to build with Timber.

Be it enacted by the Authority aforesaid, That the Justices of Peace, and the Select-Men of the said Town of *Boston*, or the major Part of each, certifying their Approbation thereof, the Governour and Council may grant Licence for the setting up of Timber Houses and Buildings; with and under such Conditions, Limitations and Restrictions for the enclosing and covering thereof as they they shall think fit: Any Law, Usage or Custom to the contrary in any wise notwithstanding.

# Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and held at *Boston*, on Wednesday the twenty-ninth Day of *May*, 1700.

## CHAP. IV.

## An Act against Jesuits and Popish Priests.

*WHEREAS divers Jesuits, Priests and popish Missionaries have of late come, and for some Time have had their Residence in the remote Parts of this Province, and other His Majesty's Territories near adjacent; who by their subtle Insinuations, industriously labour to debauch, seduce and withdraw the* Indians *from their due Obedience unto His Majesty; and to excite and stir them up to Sedition, Rebellion and open Hostility against His Majesty's Government;* Preamble.

For Prevention whereof:

**Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and it is enacted by the Authority of the same,** That all and every Jesuit, seminary Priest, Missionary, or other spiritual or ecclesiastical Person made or ordained by any Authority, Power of Jurisdiction derived, challenged or pretended from the Pope or See of *Rome*, now residing within this Province, or any Part thereof; shall depart from and out of the same, at or before the tenth Day of *September* next, in this present Year, One Thousand and seven Hundred, Jesuits, Priests, &c. to depart the Province by the tenth of *September*.

**And be it further enacted by the Authority aforesaid,** That all and every Jesuit, seminary Priest, Missionary, or other spiritual or ecclesiastical Person, made or ordained by any Authority, Power or Jurisdiction, derived, challenged or pretended from the Pope or See of *Rome*; or that shall profess himself, or otherwise appear to be such by practising and teaching of others to say any popish Prayers, by celebrating Masses, granting of Absolutions, or using any other of the Romish Ceremonies and Rites of Worship, by or of what Name, Title or Degree soever such Person shall be called or known; who shall continue, abide, remain, or come into this Province, or any Part thereof, after the tenth Day of *September* aforesaid; shall be deemed and accounted an Incendiary, and Disturber of the publick Peace and Safety, and an Enemy to the true Christian Religion, and shall be adjudged to suffer perpetual Imprisonment: And if any Person being so sentenced and actually imprisoned, shall break Prison and make his Escape, and be afterwards re-taken, he shall be punished with Death. Penalty on Jesuits or Priests, &c. that shall remain or come into this Province after the 10th of *September* 1700.

**And further it is enacted,** That every Person who shall wittingly and willingly, receive, relieve, harbour, conceal, aid or succour, any Jesuit, Priest, Missionary, or other ecclesiastical Person of the Romish Clergy, knowing him to be such, shall be fined *two Hundred Pounds*; one Moiety thereof to be unto His Majesty, for and towards the Support of the Government of this Province, and the other Moiety to the Informer; and such Person shall be further punished by being set in the Pillory on three several Days, and also be bound to the good Behaviour, at the Discretion of the Court. Penalty for receiving or harbouring any Jesuit or Priest.

**And be it also enacted,** That every Offence to be committed or done against the Tenor of this Act, shall and may be inquired of, heard and determined in the Court of Assize and General Goal Delivery, or before Commissioners of Oyer and Terminer and Goal Delivery, specially to be appointed to sit either within the County where the Offence is committed, or where the Offender is apprehended or taken; or in any other County within the Province: Any Law, Usage or Custom to the contrary notwithstanding. How Offences against this Act, shall be inquired of and determined.

And

Justices of the Peace to apprehend Persons suspected to be Jesuits or Priests.

**And further be it enacted by the Authority aforesaid,** That it shall and may be lawful to and for every Justice of the Peace, to cause any Person or Persons suspected of being a Jesuit, seminary Priest, or of the Romish Clergy, to be apprehended and convented before himself, or some other of His Majesty's Justices. And if such Person do not give a satisfactory Account of himself, he shall be committed to Prison, in order to a Trial.

Any Person without a Warrant may apprehend any Jesuit or Priest.

Also it shall and may be lawful to and for any Person or Persons to apprehend without a Warrant, any Jesuit, seminary Priest, or other of the Romish Clergy as aforesaid, and to convent him before the Governour, or any two of the Council, to be examined and imprisoned, in order to a Trial; unless he give a satisfactory Account of himself.

Reward.

And as it will be esteemed and accepted as a good Service done for the King, by the Person who shall seize and apprehend any Jesuit, Priest, Missionary, or Romish Ecclesiastic as aforesaid; so the Governour with the Advice and Consent of the Council, may suitably reward him as they shall think fit.

Saving for any of the Romish Clergy that shall be Shipwreck'd, &c.

*Provided,* This Act shall not extend or be construed to extend unto any of the Romish Clergy which shall happen to be Shipwreck'd; or through other Adversity shall be cast on Shoar, or driven into this Province; so as he continue or abide no longer within the same than until he may have Opportunity of Passage for his Departure; so also as such Person immediately upon his arrival shall forthwith attend the Governour, if near to the Place of his Residence, or otherwise on one or more of the Council, or next Justices of the Peace, and acquaint them with his Circumstances, and observe the Directions which they shall give him, during his stay in the Province.

## CHAP. V.

## An Act for the Regulating of Prisoners, and to prevent Escapes.

Prison Keepers to return a List of their Prisoners.

**Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and it is enacted by the Authority of the same,** That every Goaler or Keeper of the King's Prisons within the several Counties in this Province, at the opening of the Court of Assize and General Goal Delivery, Court of Oyer and Terminer; and Court of General Sessions of the Peace, respectively to be holden within such County from Time to Time, shall return a List and certify unto such Court the Names of all Prisoners then in his Custody, with the Cause of their Commitment: And also the Names of all other Prisoners that shall be committed unto him during the sitting of any such Court; whereby the Justices of the said Courts respectively may take Cognizance thereof: and as well for the King as for the Parties, may proceed to make Deliverance of such Prisoners according to Law, for the Crimes proper to the Jurisdiction of such Court; on Pain that every Goaler or Prison-Keeper for each Default by him made in that Respect, shall forfeit such Sum as shall be set upon him by the Justices of the Court, not exceeding *ten Pounds.*

Prison Breach or Flight to be accounted one Evidence.

**Be it further enacted by the Authority aforesaid,** That whosoever breaketh Prison, or shall make his escape from an Officer, after his being arrested or imprisoned for any Crime, his Breach of Prison or Flight, shall be accounted and esteemed in the Law one Evidence to convict him of the Crime wherewith he stands charged in the Warrant for his Apprehension or Commitment.

Penalty on Persons that shall convey any Instrument or Tool into the Prison.

And if any Person whatsoever, shall directly or indirectly by any Ways or Means howsoever convey any Instrument, Tool or other Thing whatsoever, to any Prisoner, or into the Prison, whereby such Prisoner or any other Prisoner either may or might break Prison, or work him or her self unlawfully out of the same; every Person so offending, and being thereof convicted, shall forfeit and pay such Fine, as by the Discretion of the Court shall be imposed and set upon such

such Offender, according to the Nature of the Cause of the Prisoners Commitment, not exceeding *Twenty Pounds*; or suffer corporal Punishment by whipping not exceeding twenty Stripes.

And if it happen any Prisoner or Prisoners do make his or their Escape by Means of any Instrument, Tool or other Thing conveyed as aforesaid, the Person or Persons conveying the same, shall be fined, not exceeding *Five Hundred Pounds*; or be corporally punished by Whipping, not exceeding thirty nine Stripes, and find Sureties for the good Behaviour, during the space of one Year, at the Discretion of the Court, according to the Nature of the Crime or Crimes wherewith the Prisoner or Prisoners stood charged in their Mittimus's, or Warrants of Commitment, and other Circumstances aggravating the Offence. And if any Prisoner or Prisoners so escaping, shall stand convict of any capital Crime, the Person or Persons assisting or furthering their Escape as aforesaid, over and above their being fined or corporally punished as before is directed, and bound to the Behaviour; shall also be stigmatized or burned in the Forehead or on the Cheek, with a hot Iron of the Figure of the Letter B. Further Penalty in case any Prisoner by Means of such Instrument &c. do escape.

**And further it is enacted by the Authority aforesaid,** That if the Prisoner or Prisoners so escaping were imprisoned for Debt, the Person or Persons assisting and furthering their Escape as aforesaid, shall be liable to pay the full Debt owing to the Creditor or Creditors, at whose Suit such Prisoner or Prisoners stood committed; to be recovered by Action or Actions, upon the Case therefore to be brought against the Person or Persons, so offending as aforesaid, who shall also be fined or corporally punished as aforesaid, at the Discretion of the Court, not exceeding the Fine or Punishment before-mentioned. Escape of Prisoners for Debt.

**And be it further enacted,** That every Goaler or Prison-Keeper that shall voluntarily suffer any Prisoner or Prisoners committed to his Custody to escape, upon the Conviction thereof, shall undergo and suffer the like Pains and Penalties as the Prisoner or Prisoners so escaping should by Law for the Crime or Crimes wherewith he or they stood charged by the Warrant or Warrants of Commitment, if the Prisoner or Prisoners had thereof been convict. Penalty on the Goaler for a voluntary Escape. 11 *W.* ca. 7.

*Provided,* That if any Person assisting and furthering the escape of any Prisoner in Manner as aforesaid, or if the Keeper of the Prison that shall voluntarily suffer to escape as aforesaid, shall by any Ways or Means recover any Prisoner or Prisoners so escaping, and return them back to Prison again before Prosecution had, and Judgment entred up against such Person or Prison-Keeper for such Escape, (which shall not be until six Months past next after the Escape) in such Case the Person or Prison-Keeper so offending shall be liable to no further Punishment than to pay such Fine as the Court that shall have Cognizance thereof, in their Discretion shall think fit to set upon him, according as the Offence may be aggravated by the Circumstances attending the same, and the Degree of the Crime wherewith the Prisoner stands charged. Proviso.

And in Case the Escape of any Prisoner happen through the Negligence of the Goaler or Prison-Keeper, he shall pay such Fine as the Justices of the Court in their Discretion before whom the Prosecution shall be, shall impose and set upon him according to the Nature or Degree of the Offence, for which the Prisoner escaping was taken and imprisoned. And if the Prisoner so escaping were imprisoned for Debt, the Prison-Keeper shall be answerable to the Creditor for the full Debt, and he shall have his Remedy against the Prisoner. For a negligent Escape.

All Fines and Forfeitures arising by Virtue of this Act, shall be applied to and for the repairing, maintaining and upholding of the Prison within the County where the Offence shall be committed; and be paid in to the County Treasurer to be employed accordingly, and not otherwise. Fines and Forfeitures how to be applied

**And be it further enacted by the Authority aforesaid,** That where the escape of any Prisoner or Prisoners for Debt shall happen through the Defect or Insufficiency of any Prison, from and after the twenty fifth Day of *March* next, in the Year one Thousand seven Hundred and one, the County shall make good such Debt as the Prisoners so escaping did justly owe unto the Creditor or Creditors, at whose Suit he was imprisoned, and the County shall have their Remedy against the Prisoner. Escape of Debtors thro' Defect of the Prisons to be answered by the County.

And

Prisons to be erected in each Shire or County Town.

And further it is enacted, That there be sufficient Prisons forthwith provided within the several Counties, and from Time to Time kept so. And that the said Prisons be erected and maintained in the Shire, or County Town of each County respectively, and in such other Towns as the Court of General Sessions shall see needful. And the Court of General Sessions of the Peace holden in the several Counties, are to give effectual Order thereabout: Any Law, Custom or Usage to the contrary notwithstanding.

## CHAP. VI.

## An Act relating unto the Office and Duty of a Coroner.

Coroners to take Inquests on dead Bodies.

BE it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That every Coroner within the County for which he is appointed, shall be, and hereby is impowered to take Inquests of Felonies, and other violent and casual Deaths committed, or happing within his Precinct. And before he undertake the Execution of his said Office, shall take the following Oath for his due and faithful Performance thereof, before the Governour, Lieutenant Governour, or any two or more of the Council; or such other Person or Persons as shall be thereto appointed by the Governour:

To be Sworn.

That is to say:

Coroners Oath.

YOU Swear, *That well and truly you shall serve Our Sovereign Lord the King in the Office of a Coroner, and as One of His Majesty's Coroners of the County of* S. *And therein you shall truly and diligently do and accomplish all and every Thing and Things appertaining to your Office, after the best of your Cunning, Wit and Power, for the Profit and Good of the Inhabitants within the said the County; taking such Fees as you ought to take by Law, and not otherwise.* So help you God.

Coroner to make out Warrants for Jurors.

And be it further enacted by the Authority aforesaid That when and so soon as any Coroner shall be certified of the dead Body of any Person supposed to have come to a violent and untimely Death, found or lying within his County or Precinct; he shall make out his Warrant directed unto the Constables of the same Town where such dead Body lies, or of three or four of the next adjacent Towns, (if need be) requiring them forthwith to Summon a Jury of good and lawful Men of the same Town, or such Number as shall be sufficient, with those sent for from the neighbouring Towns to make up eighteen in all, to appear before him at the Time and Place in the said Warrant expres'd, which Warrant shall be made in this Form, *viz.*

Form of the Warrant.

*Suffolk* ss. *To the Constables of* B. *or to any or either of them.* Greeting.

*THese are in His Majesty's Name to require you immediately upon the Receipt and Sight hereof, to summon and warn good and lawful Men of the said Town, to be and appear before me, one of the Coroners of the said County of* S. *at* House or Place *within the said Town of* B. *betwixt the Hours of and of the Clock in the noon of this present Day of then and there to inquire upon the View of the Body of a certain Person there lying dead, how and in what Manner he came to his Death: Fail not herein at your Peril, as you will answer the contrary. Given under my Hand and Seal at* B. *the Day of In the Year of Our Lord And in the Year of His Majesty's Reign.*

*By me* W. G. *one of the Coroners of the County aforesaid.*

Constables to execute the Coroners Warrant.

And every Constable unto whom any such Warrant shall come, shall forthwith execute the same, and repair unto the Place at the Time therein mentioned, and make Return of the Warrant, with his Doings therein, unto the Coroner that granted the same.

And

And every Conſtable failing of performing his Duty by ſuch Warrant required of him, or returning the ſame as aforeſaid, ſhall forfeit the Sum of *forty Shillings*. Penalty for Default.

Alſo every Perſon ſummoned and warned to be a Juror, failing to appear accordingly, ſhall alſo forfeit the Sum of *forty Shillings*; without a reaſonable Excuſe for the ſame be made unto, and allowed of by the Coroner. The aforeſaid ſeveral Fines or Forfeitures to be to and for the defreying of the Charges ariſing and happing within the ſame County; and towards the defreying the neceſſary Charges of the Coroner and Jurors: To be recovered by Action, Bill, Plaint or Information therefore to be brought by the Coroner in any of his Majeſty's Courts of Record. Penalty for Jurors Default. Fines how to be applied.

And the Coroner ſhall ſwear fourteen, or more of the Jurors that appear; and give the Foreman (to be by him appointed) his Oath upon View of the Body, in this Form. *That is to ſay:*

*YOU ſhall diligently inquire, and true Preſentment make, on the Behalf of our Sovereign Lord the King; how and in what Manner* A. B. *here lying dead, came to his Death: And you ſhall deliver up to me his Majeſty's Coroner, a true Verdict thereof, according to ſuch Evidence as ſhall be given to you, and according to your Knowledge.* So help you God. Jurors Oath.

And then ſhall ſwear the reſt of the Jurors, by three or four at once in this Form, *viz.*

*ALL ſuch Oath as* L. M. *the Foreman of this Inqueſt for his Part hath taken, you and every one of you, ſhall well and truly obſerve and keep on your Parts.* So help you God.

The Jury being ſworn, the Coroner ſhall give them a Charge upon their Oaths, to declare of the Death of the Perſon; Whether he died of Felony, or by Miſchance and Accident? And if of Felony, Whether of his own or of another's? And if by Miſchance or Misfortune, Whether by the Act of God, or of Man? And if he died of another's Felony, Who were Principals, and who Acceſſaries? Who threatned him of his Life or Members? With what Inſtrument he was ſtruck or wounded? And ſo of all prevailing Circumſtances that can come by Preſumption. Coroners Charge to the Jurors.

And if by Miſchance or Accident, by the Act of God or Man, whether by hurt, fall, ſtroke, drowning or otherwiſe; to inquire of the Perſons that were preſent, the Finders of the Body, his Relations or Neighbours; Whether he was kill'd in the ſame Place, or elſewere? And if elſewhere, By whom, and how he was thence brought? And of all other Circumſtances.

And if he died of his own Felony, then to inquire of the Manner, Means or Inſtrument; and Circumſtances concurring.

After the Jury being charged, they muſt ſtand together, and let Proclamation be made for any that can give Evidence to draw near, and they ſhall be heard. Proclamation to be made.

And every Coroner is hereby further impowred, to ſend out his Warrant for Witneſſes; commanding them to come to be examined before him, and to declare their Knowledge concerning the Matter in Queſtion: And to adminiſter an Oath unto the Witneſſes in this Form. *That is to ſay:* Warrant to be ſent out for Witneſſes.

*ALL ſuch Evidence as you ſhall give to this Inqueſt, concerning the Death of* A. B. *here lying dead, ſhall be the Truth, the whole Truth, and nothing but the Truth.* So help you God. Witneſſes Oath.

The Examination of ſuch Witneſſes to be taken in writing under their Hands. And if they relate to the Trial of any Perſon concerning the Death of the Party found dead, then ſhall the Coroner bind over ſuch Witneſſes by Recognizance, in a reaſonable Sum; not leſs than *Twenty Pounds* a Piece, perſonally to appear at the next Aſſizes, or Court of Oyer and Terminer and Goal Delivery, to be holden within the ſame County; then and there to teſtify their Knowlege concerning the Death of the ſaid *A. B.* Witneſſes to be bound over.

And the Jury having viewed the Body, heard the Evidence, and made what Inquiry they can into the Manner and Causes of the Death of the Person, they shall draw up and deliver unto the Coroner their Verdict thereupon in writing, under their Seals in Manner following; which shall pass by Indenture interchangeably, betwixt the Coroner and the Jury. *That is to say:*

Inquisition. *Suffolk ss.* AN Inquisition Indented, taken at *B.* within the said County of *S.* the Day of in the Year of the Reign of Our Sovereign Lord by the Grace of God, of *England, Scotland, France* and *Ireland*, King, *Defender of the Faith, &c.* before *T. E.* Gent. one of the Coroners of Our said Lord the King, within the County of *S.* aforesaid; upon view of the Body of *A. B.* of *B.* aforesaid then and there being dead, by the Oaths of *I. W. R. W. H. P. T. A. S. B. I. K. L. S. E. H. R. G. P. D. C. M. S. O. G. B.* and *N. S.* good and lawful Men of *B.* aforesaid within the County aforesaid; who being charged and sworn to inquire for Our said Lord the King, when, and by what Means, and how the said *A. B.* came to his Death. Upon their Oaths do say, *&c.*

Then insert, How, Where, at what Time, by what Means, with what Instrument, and in what Manner, the Party was kill'd, or come by his Death.

*And if it appear the Person to have been kill'd and murthered by another that is known, the Inquisition must be concluded after this Manner,* viz.

And so the Jurors aforesaid, upon their Oaths aforesaid, say, That the aforesaid *R. S.* in Manner and Form aforesaid, the aforesaid *A. B.* then and there feloniously did Kill and Murder against the Peace of Our Sovereign Lord the King, his Crown and Dignity.

*If it appear to be Self-Murder, the Inquisition must conclude after this Manner,* viz.

And so the Jurors aforesaid say upon their Oaths, That the said *A. B.* in Manner and Form aforesaid, then and there voluntarily and feloniously, as a Felon of himself, did Kill and Murder himself, against the Peace of Our Sovereign Lord the King, his Crown and Dignity.

*If it appear the Person to be slain by Misfortune, the Inquisition must conclude after this Manner,* viz.

And so the Jurors aforesaid say upon their Oaths, That the aforesaid *A. B.* in Manner and Form aforesaid, was killed, or came to his Death by Misfortune.

*If by the Hands or Means of any other Person; thus,* viz.

The aforesaid *R. F.* the aforesaid *A. B.* by Misfortune and contrary to his Will, in Manner and Form aforesaid, did kill and slay. In Witness whereof, as well I the Coroner aforesaid, as the Jurors aforesaid, to this Inquisition have interchangeably put our Hands and Seals, the Day and Year abovesaid.

And the Coroner shall make Return of all such Inquisitions taken before him unto the Justices of Assize, Oyer and Terminer and Goal Delivery.

Also upon any Virdict found of the Death of a Person by the Felony or Misfortune of another, shall spedily inform one or more of the next Justices of the Peace thereof; to the Intent, that such Person killing, or being any ways Instrumental to the Death of another, may be apprehended, examined and secured in order to a Trial.

Fees. And be it further enacted by the Authority aforesaid, That over and above the Fee already allowed by Law, the Coroner shall be allowed the Sum of *ten* 4 W. & M. ca. 18 *Shillings per Diem* for his Travel and Expences, upon every Inquisition by him taken; and every Juror attending the said Service, shall be allowed *two Shillings per Diem*; which Allowances shall be paid out of the Estate of the dead Person, or by the Parent or Master where any Apprentice or Child, under Age shall happen to be kill'd: And in want thereof to be paid by the County Treasurer out of the Treasury of such County; upon Representation thereof made by the Coroner to the Quarter Sessions.

And

And every Coroner within the County for which he is appointed, shall be, and hereby is impowred to serve and execute all Writs and Proceſſes directed unto him againſt the Sheriff or Marſhal of the ſame County: And to return Jurors *de Talibus Circumſtantibus*, where Need ſhall be, to fill up the Jury or Juries, in all Cauſes wherein the Sheriff or Marſhal is concerned; or related to either of the Parties in any Cauſe: And ſhall have the like Fee for ſerving of Writs in civil Cauſes, as is allowed by Law unto the Sheriff. Coroners to ſerve Writs, &c. 11 *W.* ca. 2. 3 *G.* ca. 7. 12 *G.* ca. 4. 10 *G.* 2. ca 5. 13 *G.* 2. ca 2.

## CHAP VII.

## An Act providing for Poſthumus Children.

Preamble.

*FORASMUCH as it often happens, that Children are not born till after the Death of their Fathers; and alſo have no Proviſion made for them in their Wills:*

Poſthumus Children to have a Proportion, &c.

**Be it therefore enacted by His Excellency the Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame** That as often as any Child ſhall happen to be born after the Death of the Father, without having any Proviſion made in his Will, every ſuch Poſthumus Child ſhall have Right and Intereſt in the Eſtate of his or her Father, in like Manner as if he had died Inteſtate; and the ſame ſhall accordingly be aſſigned and ſet out as the Law directs for the Diſtribution of the Eſtates of Inteſtates. See Reſolve at the End of this Act.

*And whereas through the Anguiſh of the deceaſed Teſtator; or through his ſollicitous Intention though in Health; or through the Overſight of the Scribe, ſome of the Teſtator's Children are omitted, and not mentioned in the Will; many Children alſo being born after the making of the Will, though in the Life-time of their Parents:*

And ſuch as have no Legacy given them.

**Be it therefore enacted by the Authority aforeſaid,** That any Child or Children, not having a Legacy given them in the Will of their Father or Mother; every ſuch Child ſhall have a Proportion of the Eſtate of their Parents given and ſet out unto them as the Law directs for the Diſtribution of the Eſtates of Inteſtates.

*Provided*, Such Child or Children have not had an equal Proportion of his Eſtate beſtowed on them by the Father in his Life time.

*And whereas it ſometimes happens, that a Man having formerly made his Will, doth afterwards marry a Wife, and then dies; and the Will comes to be proved, to the Injury of ſuch Wife:*

Widows not to be prejudiced, by Wills made before Marriage.

In all ſuch Caſes the Widow ſhall have ſuch Proportion of her late Husband's Eſtate aſſigned her, as if he had died Inteſtate; as the Law directs for the Diſtribution of the Eſtates of Inteſtates: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

*Provided*, That nothing in this Law ſhall extend to any Eſtate diſpoſed of by Will, already ſettled.

[*At a Great and General Court begun and held at* Boſton *on the 28th Day of* May 1718. *A Queſtion being moved upon the ſecond Section or Paragraph in the Act* providing for Poſthumus Children, *and ſuch as have no Legacy given them by Will; made in the Twelfth Year of King* WILLIAM, *viz.* [*Whether the ſaid Act doth as well extend to the Grand-Children, in Caſe of the Death of the Father or Mother, as to the Child himſelf, if living?*]

*Reſolved in the Affirmative, and that the Law is ſo to be underſtood and practiced: Any Uſage or Cuſtom to the contrary notwithſtanding.*]

CHAP.

## CHAP. VIII.

## An Act in Addition to the Act for the equal Distribution of Insolvent Estates.

8 *W.* ca. 2. *WHEREAS in and by the Act Intituled,* An Act for the equal Distribution of Insolvent Estates; *made and pass'd in the eighth Year of his present Majesty's Reign: Amongst other Things therein contained*; It is enacted, "That every Judge of Probate of Wills and granting Administrations, within the respective Counties, be and thereby is fully authorized and impowred to call before him, and to require and administer an Oath unto any Person or Persons, probably suspected by any Executor or Administrator, to have concealed, imbezeled or conveyed away any of the Money, Goods or Chattels left by the Testator or Intestate, for the discovery of the same: And in Case any such suspected Person was betrusted by the Person deceased, attended upon, or was otherwise conversant with or near unto him in the time of Sickness, or left in Possession of the Estate, whereby to strengthen and make the Suspicion more violent; and shall refuse to clear and acquit him or her self upon Oath; it shall and may be lawful for, and the Judge is impowred to commit such Person so refusing to Swear, unto the Goal of the County; there to remain until he or she shall comply to discharge him or herself upon Oath as aforesaid; or be released by Consent of the Executor or Administrator."

*And whereas it has been observed, That sometimes Executors or Administrators have neglected their Duty, or been too favourable in not complaining of Persons of whom there has been just Suspicion of making Concealments, Imbezelments, or conveying away Part of the Estate belonging to their Testator or Intestate; whereby great Wrong and Injury has ensued:*

For Remedy whereof:

All Persons interested may complain of Imbezelment. **Be it enacted by his Excellency the Governour, Council and Representatives in General Court, and by the Authority of the same,** That every Judge of Probate, be, and hereby is alike impowred, to call before him, and to require and administer an Oath unto any Person or Persons, probably suspected of making any Concealment, Imbezelment, or conveying away any of the Monies, Goods or Chattels, of any Person deceased; as well upon the Complaint of any Heir, Creditor, Legatary, or other Person having lawful Right or Claim to or in such Estate; as of the Executor or Administrator. And in Case the Party suspected (such Suspicion being strengthned, and made more violent for any of the Causes before mentioned) shall refuse to discharge him or her self upon Oath, then to proceed against them by Imprisonment, as the aforerecited Act directs.

Saving. *Saving* to any Person aggrieved, the Liberty of an Appeal from any such Sentence, to the Governour and Council; the Appellant giving Security to prosecute such Appeal with Effect, in Manner as is by Law directed.

## CHAP. IX.

## An Act prohibiting the Exportation of Raw Hides, Upper-Leather, and Tann'd Calve-Skins, from out of this Province, other than for *England*.

Preamble. *WHEREAS the frequent shipping out of this Province, Raw Hides, Upper-Leather, and Tann'd Calve Skins for* Holland *and other Places, hath been much to the Damage of this Province; not only by Reason of the choicest of the said Hides, and Upper-Leather going off, but the great Quantities; that many Times the Necessity of the Province cannot be supplied:*

Be

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That from henceforth no Raw Hides, Upper-Leather, or tann'd Calve-Skins, be laden on Board any Ship or Vessel, before the Master give Bond to the Commissioner for Impost or Receiver for the Time being, to the Value of *Five Hundred Pounds*, with sufficient Surety; that the same shall be by the said Ship or Vessel carried for *England*, *Wales*, Port or Town of *Berwick* upon *Tweed*, and no other Place; and be there landed, and put on Shore; (the Danger of the Seas only excepted) and shall in eighteen Months Time return a Certificate of the same. And if any shall presume to lade on Board any Ship or Vessel, any Raw Hides, Upper-Leather, or tann'd Calve-Skins, before Bond be given as aforesaid, he shall forfeit the same; and the Master of the Vessel shall forfeit the Value of all such Raw Hides, Leather or tann'd Calve-Skins, that he shall know to be on Board such Vessel.

To give Bond to Land in *England*.

Hides otherwise laden to be forfeited.

And if any Ship or Vessel, shall carry from out of this Province, any Raw Hides, Upper-Leather, or tann'd Calve Skins, before Bond given as aforesaid, or any Seizure be made; every Master of such Vessel knowing thereof, shall forfeit and pay double the Value of the same; and the Shipper double the Value of what shall be so shipped.

Master knowing of it, to forfeit double the Value.

*Provided*, That Information, Suit or Prosecution for the same be had and made within the space of eighteen Months next after the Offence committed, and not afterwards.

The afore-mentioned several Forfeitures, to be recovered by Action, Bill, Plaint or Information, in any of His Majesty's Courts of Record within this Province; and to be employed and disposed of, one Half thereof for and towards the Support of His Majesty's Government within the same; and the other Half to him or them that shall inform and sue for the same.

And it shall and may be lawful to and for every Justice of the Peace, upon Information given of any Raw Hides, Upper-Leather, or tann'd Calve Skins, laden or put on Board any Ship or Vessel, and Bond not given as aforesaid; to issue out his Warrant under his Hand and Seal, directed to the Water-Bailiff, or to the Sheriff, or his Deputy or Constable; requiring them respectively to make Seizure of any such Raw Hides, Upper-Leather, or tann'd Calve Skins, ship'd as aforesaid, and to secure them in order to Trial; who are hereby respectively impowered and required to execute such Warrant.

## CHAP. X.

## An Act for preventing Abuses to the *Indians*.

6 *W.* ca. 1. Additional Act. 4 *G.* ca. 6.

*WHEREAS some of the principal and best disposed* Indians *within this Province, have represented and complained of the Exactions and Oppression, which some of the* English *exercise towards the* Indians, *by drawing them to Consent to, Covenant or bind themselves or Children, Apprentices or Servants, for an unreasonable Term; on Pretence of, or to make Satisfaction for some small Debt contracted or Damage done by them:*

For Redress whereof:

Be it enacted and declared by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That from and after the Publication of this Act, no *Indian* shall contract or put or bind him or her self or Child, Apprentice or a Servant to any of His Majesty's Subjects, for any Time or Term of Years, but by and with the Allowance and Approbation of two or more of His Majesty's Justices of the Peace; who are required to take special Care that the Contract or Covenant so to be made, and the Condition or Terms thereof, be equal and reasonable; both with respect to the Time for Service, and otherwise.

No Indian to be put out Apprentice, but by the Allowance of two Justices.

And

Sessions of the Peace, to hear and relieve such as are aggrieved.

And be it further enacted by the Authority aforesaid, That the Justices of the General Sessions of the Peace, within the respective Counties, be and hereby are impowred, upon Complaint made by any *Indian* Native of this Country, that is or shall be aggrieved by Reason of any Indenture, Covenant or Agreement heretofore made for any Time or Term of Service, not yet expired; to hear and relieve such *Indian*, according to Justice and Equity; and to regulate and order the Time for such Service, as they shall judge reasonable.

## CHAP. XI.

## An Act in Addition to the Act for due Regulation of Weights and Measures.

4 *W.* & *M.* ca. 14.

*FOR remedying of Unrighteousness and Oppression, in dealing by the use of Measures that are not of due Breadth for Meal, Fruits and other Things usually sold by Heap:*

The wedth of Measures for Things sold by Heap.

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That all Measures by which Meal, Fruits; and all other Things usually sold by Heap, shall be sold, be conformable as to Bigness to the declared publick allowed Standards; mentioned in the Act made and passed by the General Assembly, in the Year One Thousand six Hundred ninety two, Intitled, *An Act for due Regulation of Weights and Measures*: And shall be of the full Breadths following: *That is to say*, The Bushel not less within side, than eighteen Inches and Half wide; The half Bushel not less than thirteen Inches and three Quarters wide: the Peck not less than ten Inches and three Quarters wide; and the half Peck not less than nine Inches wide.

Penalty for selling by other Measures.

And if any Person at any Time from and after the first Day of *October*, next after the Publication of this Act; shall sell, expose to Sale, or offer any Meal, Fruits, or other Things usually sold by Heap; by any other Measure than is afore-mentioned, as to bigness and breadth; such Person being complained of, and convicted before any Justice of the Peace of so doing, shall forfeit and pay to the Use of the Poor of the Town where the Offence is committed the full Value of the Meal, Fruits, or other Things so sold or offered to Sale: And such Justice may commit the Offender to Prison, until Payment be made of the said Forfeiture, or cause the same to be levied by Warrant of Distress, and paid in unto the Town Treasurer, or Overseers of the Poor; to the Use of the Poor as aforesaid; and shall also cause such Measure to be defaced: Any Law, Usage or Custom to the contrary in any wise notwithstanding.

# Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and held at *Boston*, on Wednesday the twenty-ninth Day of *May*, 1700. And continued by several Prorogations until Wednesday the twelfth of *February* following, and then Sat.

## CHAP. I.

## An Act directing the Proceedings against forcible Entry and Detainer.

4 *W.* & *M.* ca. 6.

*WHEREAS in and by the Act Intituled*, An Act for the punishing of Criminal Offenders: *Amongst other Things therein contained*; It is declared "That every Justice of the Peace in the County where "the Offence is committed, be and is impowred to make Enquiry of "forcible Entry and Detainer, and cause the same to be removed.

For

*For the better directing of Justices in such their Proceedings:*

Justices on Complaint made of forcible Entry, &c. to repair to the Place.

Be it enacted and declared by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That upon Complaint made to any one or more Justices of the Peace of any wrongful and forcible Entry made into any Lands, Tenements or other Possessions, lying within the County where such Justice or Justices dwell or reside; or of any wrongful Detainer of any Lands, Tenements or other Possessions with Force and strong Hand; every such Justice or Justices within convenient Time, at the Costs of the Party grieved, shall go to the Place where the Force is, taking with him the Sheriff or his Deputy, and other sufficient Power of the Town or County at his Discretion, if need be, to aid him, and all the People of the County, as well the Sheriff as others shall be attending to the said Justice or Justices, and assist him or them to arrest such Offenders, upon pain of Imprisonment, and to make Fine to the King.

Assistance to be given to Justices under a Penalty for Neglect.

And that two Justices *Quorum Unus*, shall have Authority and Power to inquire by the Oaths of the People of the same County, as well of them that make such forcible Entry into Lands, Tenements or other Possessions, as of them that hold the same with Force. And if it be found upon such Inquiry, that a forcible Entry is made into any Lands, Tenements or Possessions; or that the same are held with Force; then such Justices shall cause the same Lands, Tenements or Possessions to be reseized, and thereof the Party to be again put into Possession, who in such Sort was put out or holden out.

Upon an Inquisition found, Restitution to be made.

And to the End that Enquiry be so made as aforesaid, such Justices shall make out their Warrants or Precepts, directed to the Sheriff of the same County, or his Deputy, commanding him on the King's Behalf to cause to come before them eighteen sufficient and indifferent Persons dwelling near unto the Lands or Tenements, so entred or held as before, whereof fourteen at least to be Impanelled, to inquire in this Behalf, each of whom to have Freehold Lands or Tenements of the yearly Value of *forty Shillings* at the least, who shall be Sworn by such Justices, well and truly to inquire of such forcible Entry, or forcible Detainer, and to return a true Verdict therein according to their Evidence; and if the Sheriff shall make Default in not duly executing of such Warrant or Precept to him directed, he shall be fined the Sum of *Twenty Pounds* for every Default. And every Juror summoned by the Sheriff, making Default by his Non-appearance shall pay a Fine of *twenty Shillings*: Every Justice to be paid *ten Shillings* per Diem, the Sheriff *six Shillings* per Diem, and every Juror *two Shillings* per Diem, upon every Inquiry to be made as aforesaid.

A Jury to be impanelled and sworn.

Penalty for Default in the Sheriff or Jurors.

Allowance to Justices, &c.

And be it further enacted by the Authority aforesaid, That any Justice or Justices as aforesaid, may impose a Fine upon every Offender commiting such Force as aforesaid, not exceeding the Sum of *forty Shillings*; and bind them to the good Behaviour, and imprison such Offenders, till they pay such Fine, and find Sureties for the Behaviour, until the next Court of General Sessions of the Peace within the same County, and then to appear; and if the Offence be aggravated by any open and high handed Breach of the Peace, or otherwise, may bind the Offenders over to appear at the next General Sessions of the Peace, to answer for the same; who may increase the Fine, according to the Aggravation and Circumstances of the Offence.

Justice or Justices may fine the Offender, &c.

All Fines arising by Virtue of this Act to be to and for the Use of the County, for defraying of County Charges. And the Party grieved shall recover treble Damages, and Costs of Suit by Action of Trespass against the Defendant or Defendants, if it be found by Verdict, or in any other Manner by due Form of Law; that they entred into his Lands or Tenements by Force, or after Entry did hold with Force: Any Law, Usage or Custom to the contrary in any wise notwithstanding.

Fines how to be applied.

*Provided always*, That this Act shall not extend, or be construed to extend unto any Person or Persons that have had the Occupation, or have been in quiet Possession of any Lands, Tenements or Possessions by the space of three whole Years together next before; and his, her or their Estate or Estates therein not ended or determined.

Proviso.

CHAP.

## CHAP. II.

## An Act directing how Town-Officers shall be Sworn, in such Towns where no Justice of the Peace dwells.

Preamble.

*WHEREAS the Law requires, that several Town Officers be under Oath for the true and faithful Discharge of their respective Offices and Trust, to be administred unto them by one of the next Justices of the Peace, &c. And for as much as there are many Towns in which no Justice of the Peace dwells, but are far remote; by Reason whereof, the Officers annually and from Time to Time chosen in such Towns, whom the Law requires to be under Oath, are necessitated to travel several Miles to be sworn; which Occasions great Charge, besides Difficulties and Inconveniencies to the Inhabitants of such Towns:*

Wherefore, for the Ease of His Majesty's Subjects in that Regard:

Select-Men or the major Part of them to Swear Town Officers, in Towns where no Justice dwell.

**Be it enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and it is enacted by the Authority of the same,** That in each Town within this Province where no Justice of the Peace dwells, the Select-Men of such Town for the Time being or the major Part of them, be, and are hereby authorized and impowred to administer to such Person, as from Time to Time shall be chosen Clerk of such Town; the Oath by Law appointed to be taken by each Town-Clerk, for the faithful Discharge of that Office; and to all other Officers of such Town, whom the Law requires to be Sworn, the Oath to their several and respective Places belonging, as by Law established.

A Record to be made thereof.

And such Select-Men shall cause a Record to be made in the Town Book of the Swearing of all such Officers: Any Law, Usage or Custom to the contrary in any wise notwithstanding.

## CHAP. III.

## An Act for Tolling Horses that are to be Exported.

*FOR the better preventing the stealing of Horses and Horse-Kind, and clandestinely conveying them away:*

Town Clerk to keep a Toll-book.

**Be it declared and enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same,** That in every Sea-port Town within this Province, there be kept a Toll-Book by the Clerk of such Town, for the entring of all Horses and Horse Kind that shall be there ship'd for Exporation.

No Horses to be ship'd before they be tolled.

And no Person or Persons whatsoever, shall ship or send on board any Ship or other Vessel to be transported out of this Province, any Horse or Horse Kind, before he or they shall have presented and caused them to be viewed by the Town-Clerk of the Town where they are to be ship'd. And such Town-Clerk is hereby authorized and required to make a fair Entry in the Toll-Book of all such Horses and Horse Kind, with their Colour and Marks both natural and artificial, and Age as near as may be; and the Christian Name, Sir Name, Mystery and Place of dwelling; as well of the Person or Persons of whom the same were last bought, as of the present Owners or Shippers; and the Name of the Ship or Vessel, and of the Master or Commander thereof, whereon they are to be laden; and whither bound; and to deliver a Certificate under his Hand of such Entry by him made unto the Shipper, directed unto the Master of such Ship or Vessel by Name. For which Entry and Certificate, the Town Clerk shall demand and receive *six Pence* a Head for each Beast, and no more.

Fee.

And

And be it further enacted by the Authority aforesaid, That if any Person shall presume to ship off any Horse or Horse Kind, not being first entred as aforesaid; or if the Master or Commander of any Ship or Vessel shall receive, take or suffer to be received or taken any Horse or Horse Kind, on board the Ship or Vessel then under his Command, without such Certificate as aforesaid; or other than what agree with the Description therein given; every Shipper or Master so offending, shall forfeit and pay the Sum of *ten Pounds*; one Moiety thereof to be unto the Use of the Poor of such Town where the Offence is committed, and the other Moiety to him or them that shall inform and sue for the same, by Action, Bill, Plaint or Information in any of His Majesty's Courts within this Province: Any Law, Usage or Custom to the contrary notwithstanding.

Penalty for shipping off or receiving on board Horses before tolling.

And the Town Clerk in each Sea-port Town, is in particular to take Care to the due observance of this Act, and to inform of all Transgressions thereof.

Town Clerk to see that this Act be observed.

---

## CHAP. IV.

## An Act against the making or passing of Base or Counterfeit Money.

*WHEREAS some Persons for private Gain, have of late presumed to stamp and emit Pieces of* Brass *and* Tin, *at the Rate of a* Penny *each; not regarding what Loss they thereby bring on others; which if not timely remedied, may prove greatly detrimental to his Majesty's Subjects, and embolden others to be so hardy as to attempt the doing of the like:*

2 *A.* ca. 1.

For Prevention whereof:

Be it declared and enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That any Person or Persons who after the Publication of this Act, shall presume to make or stamp any such Pieces as aforesaid, or others of like or different Metal, Matter or Form; and to emit, utter or put off the same for *Pence*; or at a greater or lesser Value; and be thereof convicted: every Person so offending, shall be punished by Fine and Imprisonment, at the Discretion of the Court where the Prosecution shall be, not exceeding the Sum of *Fifty Pounds* Fine, nor six Months Imprisonment for one Offence: And shall further forfeit and pay in currant lawful Money of this Province, treble the Value of all such Pieces as he shall have emitted or uttered after the highest Rate they have passed at; one Half of the said Fine and Forfeiture to be unto His Majesty, for and towards the Support of the Government within this Province, and the other Half to him or them that shall inform and sue for the same in any of His Majesty's Courts, within the Province.

Penalty for making stamping or uttering counterfeit Money.

And be it further enacted by the Authority aforesaid, That every Person or Persons that have or shall offend as aforesaid, shall exchange and pay in currant lawful Money of this Province the full Value of all such Pieces having his Stamp or Mark thereon, unto any Person or Persons that shall bring the same to him, according to the Rate they have passed at; so as such Pieces be brought and offered to him to be exchanged at any Time or Times within the space of three Months next after the Publication of this Act. And in Case of refusal so to do, he shall be compelled thereto by Order of the General Sessions of the Peace within the same County; or of one Justice of the Peace, where the Value exceeds not *forty Shillings*.

Restitution to be made.

And no Person or Persons whatsoever shall hereafter offer to put off, utter or take any such base or counterfeit Money.

---

## CHAP. V.

## An Act relating to the Profecution of Appeals.

11 *W.* ca. 1. 13 *W.* ca. 15.

*WHEREAS it has been too often practiſed, that Perſons having Judgment entred up againſt them in the Inferiour Court of Common Pleas, do Claim the Liberty of the Law to Appeal from ſuch Judgment unto the next Superiour Court of Judicature, Court of Aſſize and General Goal Delivery, to be be holden for or within the ſame County; and after their Appeal admitted, neglect to give Security for Proſecution thereof as the Law requires; or after Security given, fail of Proſecuting their Appeal: whereby it is very obvious they deſigned nothing more than to ſtop Execution, and to delay and hold out the adverſe Party from his juſt Debt or Damages recovered by ſuch Judgment, to his grievous Hurt:*

For Redreſs whereof:

Security for Appeal to be given in or out of Court within ſeven Days after Judgment.

**Be it declared and enacted by the Lieutenant Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,** That every Perſon appealing from the Judgment of any Inferiour Court of Common Pleas, unto the Superiour Court of Judicature, Court of Aſſize and General Goal Delivery, ſhall enter into Recognizance with ſufficient Sureties to proſecute ſuch Appeal with Effect; which Recognizance is to be taken before ſuch Inferiour Court whilſt ſitting; or before one or more of the Juſtices of the ſame, with the Clerk out of Court, within the ſpace of ſeven Days next after Judgment given, and not afterwards. And if any Perſon claiming and being admitted to Appeal as aforeſaid, ſhall not give Security for Proſecution thereof in Manner aforeſaid, either before or within the ſaid ſpace of ſeven Days next after Judgment given; every Claim and Allowance of ſuch Appeal ſhall be utterly null and void, as if the ſame had never been made and granted; And in ſuch Caſe after Expiration of the ſaid ſeven Days, the Clerk of ſuch Inferiour Court, upon Demand of the Party for whom the Judgment was given, or of his Attorney, ſhall *ex Officio* make and iſſue out Execution thereupon.

On failure Execution to be granted.

Judgment to be affirmed, and Execution awarded by the Superiour Court upon Non-Proſecution of Appeal.

**And be it further enacted by the Authority aforeſaid,** That if any Perſon having appealed and given Security for Proſecution thereof as aforeſaid, ſhall neglect to proſecute the ſame with Effect in Manner as the Law provides, the Party that obtained the Judgment in the Inferiour Court of Common Pleas, entring his Complaint in the Superiour Court of Judicature, Court of Aſſize and General Goal Delivery, to which ſuch Appeal did lie, and producing atteſted Copies of the Judgment, Appeal and Recognizance given for Proſecution thereof, the Juſtices of the ſaid Superiour Court of Judicature, Court of Aſſize and General Goal Delivery, ſhall affirm ſuch Judgment of the Inferiour Court of Common Pleas, with the Coſts ariſing upon the Suit there; and grant further Coſts for entring and proſecuting the Complaint as aforeſaid, and award Execution accordingly. The Fee to be paid for entring of ſuch Complaint, ſhall be the ſame as for entry of an Action; and the Parties Attendance and Charges the ſame as the Law allows in like Caſes.

Inferiour Courts to obſerve the like Methods.

And the like Proceſs and Methods ſhall be had and obſerved in the Inferiour Court of Common Pleas, for Perſons that ſhall fail to proſecute Appeals made from Judgment given upon Trials before a Juſtice of the Peace: Any Law Uſage or Cuſtom to the contrary in any wiſe notwithſtanding.

Sureties upon Appeals to anſwer intervening Damages and Coſt, in Caſe.

**And be it further enacted by the Authority aforeſaid,** That all Recognizances given for proſecuting of Appeals as aforeſaid, ſhall remain good for the Benefit of the Parties reſpectively for whom they were taken, to bring a Suit thereon, to recover all intervening Damages occaſioned by ſuch Parties being delayed from the Time of rendring the firſt Judgment unto the Time when ſuch Appeal ſhould have been tried: And the Sureties in ſuch Recognizance named, ſhall be liable and obliged to ſatisfy the Judgment given for ſuch intervening Damages, with the additional Coſts of Suit, in Caſe of the Principals

Avoidance

Avoidance and Return made of *Non est Inventus*, upon the Execution granted againſt him: And the Judgment for the ſame ſhall be affirmed againſt ſuch Sureties, and Execution be awarded accordingly; as is by Law provided referring to Sureties upon mean Proceſs.

*Provided*, That ſuch Sureties be ſerved with a Writ of *Scire Facias* within twelve Months next after rendring of Judgment upon the Trial on ſuch Recognizance; and not afterwards. Proviſo.

## CHAP. VI.

### An Act for the better making and meaſuring of Malt.

BE it declared and enacted by the Lieutenant Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That from and after the Publication of this Act, no Malſter or Malt-maker, ſhall deliver, vend or paſs away any Malt by him made or cauſed to be made, before the ſame be well dried and cleanſed, by ſcreening of it from the Duſt and Taile which ariſes in the making, drying and ordering of it in his Hands; on pain of forfeiting *twelve Pence* per Buſhel, for each Buſhel by him delivered, ſold or paſſed away, not being ſo cleanſed and dried; upon Conviction thereof before one or more Juſtices of the Peace, where the Forfeiture ſhall not exceed the Sum of *forty Shillings*; or if above, before the General Seſſions of the Peace holden within the County: One Moiety of ſuch Forfeiture to be unto the Uſe of the Poor of the Town where the Offence is committed; and the other Moiety to him or them that ſhall complain or inform and ſue for the ſame. And ſuch Court or Juſtice reſpectively, are hereby impowred, in Caſe ſuch Malſter ſhall ſtand to juſtify that his Malt is well dried and cleanſed as aforeſaid, to nominate and appoint three or more credible ſkilful Perſons, to view and judge thereof upon their Oaths; and to adminiſter an Oath to them to be indifferent and impartial therein. Malt to be well dried & cleanſed. Penalty. To be viewed and jugded of by Perſons on Oath.

And no Malt made of Barley ſhall be accounted Merchantable, but ſuch as ſhall be well cleanſed from the Duſt, Oats, Tares and Cockle. Merchantable Malt.

And every Perſon that ſhall offer and expoſe to Sale any Barley Malt for Merchantable, not being cleanſed as aforeſaid, ſhall forfeit and pay the Sum of *twelve Pence* a Buſhel, for each Buſhel ſo offered or expoſed to Sale; being thereof convicted in Manner as is herein before provided, to be applied to the Uſe before-mentioned. Penalty for offering to Sale unmerchantable Malt.

And further it is enacted, That every Maſter of any Veſſel that ſhall receive on Board his Veſſel any Malt to be tranſported to a Market, ſhall take effectual Care, and make ſufficient Proviſion for the keeping of Merchantable Malt ſeparate and apart by it ſelf, that it be not intermixt with what is Unmerchantable; on pain of loſing and forfeiting the Value of all the Freight to be paid for the Malt ſo mixed; to the Uſe of the Poor of the Town where ſuch Malt ſhall be delivered, upon Conviction thereof as aforeſaid: And ſhall be further liable to make good to the Shipper or Owner of all ſuch Merchantable Malt mixt as aforeſaid, all Loſs and Damage that he ſhall ſuſtain thereby: to be recovered by Action, therefore to be brought in any of His Majeſty's Courts within this Province; and where the Sum exceeds not the Value of *Forty Shillings*, before one Juſtice of the Peace. Maſters of Veſſels to take care to keep Merchantable, and unmerchantable Malt ſeperate.

And be it further enacted by the Authority aforeſaid, That in the meaſuring of Malt, the Strike ſhall be carried ſoftly and ſawing: Any Law, Uſage or Cuſtom to the contrary notwithſtanding. Malt how to be meaſured.

## CHAP. VII.

## An Act providing, That in Suits where Goods or other Estate is Attached, the Defendant be summoned.

*TO the Intent that all Persons may have due Notice to prepare and make their Defence, in every Action or Suit commenced against them:*

Summons to be left at the Defendants Place of usual Abode &c.

**Be it enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same,** That when the Goods or Estate of any Person shall be attached at the Suit of another in any civil Action, a Summons in form as by Law is prescribed shall be delivered to the Party whose Goods or Estate are attached, or left at his or her dwelling House, or Place of last and usual Abode, fourteen Days before the Day of the sitting of the Court where such Attachment is returnable. And in Case the Defendant was at no Time an Inhabitant or Sojourner within this Province, then such Summons to be left with his or her Tenant, Agent or Attorney; and the serving thereof to be certified by a sworn Officer that executed the Attachment; or by Affidavit made in Court by the Person that delivered the same, and by one other credible Witness then also present: otherwise the Writ shall abate.

How to be certified.

How to be served upon Writ of Dower, or *Scire Facias.*

And upon Suits brought hither by Writ of *Scire Facias*, or Writ of Dower, when the Defendant in any such Suit shall not be served therewith in his own Person, an attested Copy of the Writ, and of the Service thereof under the Hand of the Sheriff or his Deputy that executed the same, shall be left at the House or Place of usual Abode of the Defendant. And in Case such Defendant was at no Time an Inhabitant or Sojourner within this Province, then with his or her Tenant, Agent or Attorney as aforesaid, by the like Number of Days before the Day of the Court's Sitting where such Writ is returnable, as is required for the Service thereof. And in Writ of Dower a Copy thereof with the Service alike attested as before, shall also be left with the Tenant or Occupant of the House or Land whereof Dower is demanded to be rendred, or in or upon the same; and the Sheriff or his Deputy shall certify the same in his Return: or otherwise the Writ shall abate.

Provision in Actions bro't against Persons out of the Province.

**And further it is enacted by the Authority aforesaid,** That when it happens the Party against whom Suit is brought, not to be an Inhabitant or Sojourner within this Province; or to be absent out of the same at the Time of commencing such Suit, and shall not return before the Time for Trial, the Justices of the Court where such Suit is brought, shall continue the Action to the next Court: And if the Defendant do not then appear by himself or Attorney, and be so remote, that the Notice of such Suit depending could not probably be conveyed to him during the Vacancy; the Justices at such next Court may further continue the Action to the Court thence next following, and no longer. And in such Cases where Judgment is entred up by Default, after two Continuances as aforesaid, Execution or Writ of Seisin shall be stayed, and not issue forth until the Plaintiff or Demandant shall have given Bond, with one or more sufficient Sureties; in double the Value of the Estate or Sum recovered by such Judgment, to make Restitution, and to refund and pay back such Sum as shall be given in Debt or Damage; or so much as shall be recovered upon a Suit therefore to be brought within twelve Months next after entring up of the first Judgment; if upon such Suit the Judgment shall be reversed, annulled or altered. The Security aforesaid to be no further answerable than for the Recovery that shall be made upon such Suit, to be had within twelve Months as aforesaid.

Security to be given before Execution.

Real Estates taken in Execution, not to be alienated within twelve Months.

Proviso for Real Estates.

*Provided also*, That no Real Estate taken in Execution, granted upon such first Judgment, shall be alienated or pass'd away until after the Expiration of the said twelve Months, or after a new Trial brought within the said Space of twelve Months; to the Intent that Restitution thereof may be made in Case as aforesaid.

## CHAP. VIII.

## An Act for rendering an Account of Fines, &c.

*WHEREAS by the Act Entituled,* An Act for passing of Sheriff's Accounts; *amongst other Things therein contained*; It is enacted, 5 W. & M. ca. 7.
" That every Clerk of the Peace in each County within this Pro-
" vince, and Clerk of Assize, shall deliver unto the Sheriff of the County, a
" perfect Estreat of all Fines, Issues, Amerciaments, Recognizanzes, Monies and
" Forfeitures imposed, set, lost or forfeited in any Sessions of the Peace, Court
" of Assize and General Goal Delivery, or special Court of Oyer and Termi-
" ner, by any Person due to his Majesty, within the space of thirty Days next
" after ending of the said Courts respectively; and within the said Time shall
" deliver unto the Treasurer and Receiver General of this Province, a perfect
" Schedule of all such Estreats by him delivered to the Sheriff, *&c.* *But for as much as no Provision has hitherto been made, how Fines or Forfeitures accruing to any County or Town (or the Poor thereof) or how Fines or Forfeitures set by one or more Justices out of Court shall be accounted for:*

Clerks of Courts to return an Account of Fines to County and Town Treasurers.

**Be it therefore enacted and declared by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That all Clerks of the Peace and Clerks of Assize, be, and hereby are likewise respectively enjoined and required, within the space of thirty Days next after the ending of each Sessions of the Peace, Court of Assize and General Goal Delivery, or special Court of Oyer and Terminer, to render and deliver unto the Treasurer of each County and Town respectively, a perfect Schedule or Account of all Fines, Amerciaments, Monies and Forfeitures, imposed, set or forfeited in such Court, and by Law appropriated to the Use of such County or Town, (or the Poor thereof) respectively: under the like Penalty, as in the afore-recited Act is express'd for not returning such Schedule to the Treasurer and Receiver General.

Justices of the Peace to render an Account of Fines &c. each six Months, under a Penalty.

**And further be it enacted by the Authority aforesaid,** That all and every Justice and Justices of the Peace, at the End of every six Months, shall render and deliver to the Treasurer and Receiver General of this Province for the Time being, County and Town Treasurer respectively, a perfect Schedule or Account of all Fines, Amerciaments, Monies and Forfeitures, imposed, set or forfeited before such Justice or Justices out of Court, due to his Majesty; or by Law or Town-Order particularly applied to the Use of such County or Town (or the Poor thereof) respectively; on pain of forfeiting the Sum of *five Pounds* to his Majesty, towards Support of the Government; or to such County or Town respectively, for the defreying of County or Town Charges: Being duly convicted of neglect therein, to be sued for and recovered by the Treasurer and Receiver General of the Province, or such County or Town Treasurer for the Time being: Any Law, Usage or Custom to the contrary in any wise notwithstanding.

## CHAP. IX.

## An Act for the convenient and speedy Assignment of Dower.

*FORASMUCH as some Direction in the Law is necessary that Women may be enabled to come by their Dower:*

Heir, &c. to render Dower within one Month next after Demand.

**Be it enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same,** That when and so often as the Heir or other Person having the Freehold shall not within one Month next after Demand made, assign and set out to the Widow of the Deceased, her Dower or just third Part of and in all Houses, Lands, Tenements or Hereditaments whereof she is Dowable at the common Law, to her Satisfaction according to the true Intendment of Law; then such Widow may

sue

sue for and recover the same by Writ of Dower to be therefore brought against such Persons as have, or claim to have Right as aforesaid in the said Estate, in Manner and Form following. *That is to say :*

Writ of Dower. *S——ss.* WILLIAM the Third, by the Grace of GOD, of *England, Scotland, France* and *Ireland*, KING, Defender of the Faith, *&c.* To the Sheriff of Our County of *S.* his Under-Sheriff or Deputy, *Greeting.* Command *A. B.* of *B.* within the said County addition That instantly without delay render to *C. D.* who was the Wife of *E. D.* late of *B.* aforesaid addition deceased, her reasonable Dower which happens to her of a certain Messuage or Tenement, with the Appurtenances, Situate in *B.* aforesaid, in the Possession of the said *A. B.* which was in the Seisin and Possession of her said Husband *E. D.* and whereof he was seized in his Demesne as of Fee during the Coverture ; and whereof she hath nothing (as she saith) And the said *C. D.* complains, that the said *A. B.* hath deforced her thereof. And unless the said *A. B.* shall so do, then Summon by good and lawful Men in your Bailywick the said *A. B.* that be before Our Justices of Our next Inferiour Court of Common Pleas to be holden at *B.* for the County of *S.* aforesaid, on the *Tuesday* of Then and there to shew Cause, why to the said *C. D.* her reasonable Dower as aforesaid doth not render. And have you the Names of them by whom you Summon the said *A. B.* and this Writ. Witness *E. H.* Esq; at *B.* the Day of In the Year of Our Reign. *Annoque Domini,* *A. D.* Clerk.

**And be it further enacted by the Authority aforesaid,** That upon Judgment being given for any Woman to recover her Dower in any Estate of Housing and Lands, and other Hereditaments which were her Husband's, reasonable Damage shall also be assigned to her from the Time of the Demand made, and a Writ of Seisin shall be directed to the Sheriff of the County, or his Deputy, where such Lands, Tenements or Hereditaments do lie, in Manner and Form following. *That is to say :*

Writ of Seisin, &c. *S——ss.* WILLIAM the Third, by the Grace of GOD, of *England, Scotland, France* and *Ireland*, KING, Defender of the Faith, *&c.* To the Sheriff of Our County of *S.* his Under-Sheriff or Deputy : *Greeting.* Whereas *C. D.* Widow, who was the Wife of *E. D.* late of *B.* in the County aforesaid addition deceased, before Our Justices of Our Court of holden at *B.* for Our County aforesaid, on the Day of now last past, did recover her Seisin against *A. B.* of *B.* aforesaid addition of one third Part of a certain Messuage or Tenement, *&c.* with the Appurtenances, Situate in *B.* aforesaid, in the Possession of the said *A. B.* as her Dower of the Endowment of the said *E. D.* her certain Husband, by Our Writ of Dower, whereof she hath nothing. Therefore We Command you, That to the said *C. D.* full Seisin of one third Part of the aforesaid Messuage or Tenement, *&c.* with the Appurtenances, you cause to be had without delay. To hold to her in Severalty by Meets and Bounds. We Command you also, That of the Goods or Chattels of the said *A. B.* within your Precinct, you cause to be paid and satisfied unto the said *C. D.* at the Value thereof in Money, the Sum of for Damages awarded her by Our said Court for her being held and kept out of her Dower aforesaid, and Costs expended on this Suit, with *two Shillings* more for this Writ, and thereof also to satisfy your self your own Fees. And for want of Goods or Chattels of the said *A. B*'s, to be by him shewn unto you, or found within your Precinct to satisfy the same, We Command you to take his Body, and commit him to the Keeper of Our Goal in *B.* in Our County aforesaid within the said Prison. Whom We likewise Command to receive the said *A. B.* and him safely to keep, until he pay unto the said *C. D.* the full Sum above mentioned, and also satisfy your Fees. Hereof fail not, and make return of this Writ, and how you shall have executed the same to Our next Court of to be holden at *B.* for Our said County of *S.* on the Day of next. Witness *E. H.* Esq; at *B.* the Day of In the Year of Our Reign. *Annoque Domini,* *A. D.* Clerk.

And

And where no Damages shall be awarded the Writ to run only for Seisin and Cost of Suit. To run only for Seisin and Cost, where Damages are not awarded.

And the Sheriff of the County, or his Deputy to whom such Writ is directed is to cause her third part of Dower in such Estate to be set forth unto her by five Freeholders of the Neighbourhood upon their Oaths (three at least to agree) who shall be Sworn before a Justice of the Peace, to set forth the same equally and impartially without Favour or Affection, as convenient as may be; Which Oath every Justice of the Peace is hereby impowered to administer. Dower to be set forth by 5 Freeholders of the Neighbourhood upon Oath.

And be it further enacted by the Authority aforesaid, That of Inheritances that be intire, where no Division can be made by Meets and Bounds; so as a Woman cannot be endowed of the Thing it self, she shall be endowed thereof in a special and certain Manner, as of a third Part of the Rents, Issues or Profits thereof, to be computed and ascertained in Manner as aforesaid. Of intire Inheritance that cannot be divided, a third Part of the Rents or Profits to be assigned.

And no Woman that shall be endowed of any Lands, Tenements or other Inheritances as aforesaid, shall commit or suffer any Strip or Waste thereupon, but shall maintain the Houses or Tenements, with the Fences and Appurtenances thereof, with which she shall be so endowed, in good Repair during her Term, and leave the same so at the Expiration thereof, and shall be liable to Action for any Strip or Waste by her done, committed or suffered. No Strip or Waste to be made.

And be it further enacted by the Authority aforesaid, That when the Defendant in a Writ of Dower shall suffer Judgment to pass against him by Default, no Dammages shall be awarded against him by such Judgment, for having held and kept the Demandant out of her Dower, but she shall recover the same in like Manner as she might sue for or recover Damages in other Cases: Any Law, Usage or Custom to the contrary in any wise notwithstanding. No Damages to be awarded, when Judgment is given by Default.

## CHAP. X.

## An Act directing the Admission of Town Inhabitants.

*FOR the better preventing of Persons obtruding themselves on any particular Town within this Province, without orderly Admission by the Inhabitants of such Town, or the Select-men thereof, in Manner as hereafter is express'd: And for remedying the manifold Inconveniencies and great Charge heretofore occasioned thereby. To the Intent also that the Select-men may the more easily come to the certain Knowledge of Persons, and their Circumstances, that come to reside and sojourn in such Town:* Preamble.

Be it enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That every Master of Ship or other Vessel arriving in any Port within this Province, from any other Country, Land, Island, Colony or Plantation, at the Time of entring his Ship or Vessel with the Receiver of Impost, for the Time being; shall deliver to such Receiver a perfect List or Certificate under his Hand of the Christian and Sir-Names of all Passengers, as well Servants as others, brought in such Ship or Vessel, and their Circumstances so far as he knows; on pain of forfeiting the Sum of *five Pounds*, to the Use of the Poor of the Town or Place, where such Passenger shall be landed or sent on Shoar, for every Passenger that he shall omit to enter his or her Name in such List or Certificate; upon Conviction thereof before His Majesty's Justices in the Court of General Sessions of the Peace, within the same County where the Offence is committed. And every Justice of the Peace is hereby impowred, upon Complaint made by the Select-men of such Town, or some of them, to convent such Master before him, and to require and take sufficient Security of him to appear and Answer for his said Offence in Manner as aforesaid; such Complainants also giving Bond to prosecute their Complaint. Masters of Ships to give a List of all Passengers to the Receiver of Impost under a Penalty. Justices impowred to convent and bind over Masters that shall neglect so to do.

And

Security to be given to indemnify the Town from Charge, &c.

11 G. ca. 1. 12 & 13 G. 2. ca. 1.

What Persons shall be relieved at the Charge of the Province.

**And further it is enacted**, That when it shall happen any Passenger so brought, to be Impotent, Lame, or otherwise Infirm, or likely to be a Charge to the Place; if such Person shall refuse to give Security, or cannot procure sufficient Surety or Sureties to become bound for his saving the Town from such Charge; in such Case, the Master of the Ship or Vessel in which such Person came, shall be, and hereby is obliged and required, to carry or send him or her out of this Province again, within the space of two Months next after their Arrival; or otherwise to give sufficient Security as aforesaid, to indemnify and keep the Town free from all Charge for the Relief and Support of such Impotent, Lame or Infirm Person, upon Demand thereof made by the Select-men: unless such Person was before an Inhabitant of this Province; or that such Impotence, Lameness, or other Infirmity befel or happned to him or her during the Passage: And in such Case, if they be Servants, their Masters shall provide for them, and others shall be relieved at the Charge of the Province.

Court of General Sessions of the Peace, to enjoin the observance of this Law.

And the Justices of the General Sessions of the Peace, are hereby impowred to enjoyn and order the Performance of what is herein before required of such Master accordingly.

Receiver of Impost to transmit Lists of Passengers to the Town Clerk.

And the Receiver of Impost is likewise required to inform and notify all Masters of Ships, and other Vessels coming to him to enter, of the Import of this Act, and what is thereby enjoined and required of them; and not to admit an Entry without such List or Certificate, of the Names of the Passengers (if any) or that the Master give under his Hand that he brought none. And every such Receiver shall forthwith transmit all Lists or Certificates of Passengers, to the Town Clerk of such Town where the Ship or Vessel that brought them shall lie, that the Select-men may have Knowledge of the same. And such Town Clerk is hereby required to lay all such Lists or Certificates returned to him, before the Select-men at their next Meeting.

Persons not orderly admitted into Towns, shall not enjoy Priviledges of Elections.

4 W & M. ca. 13.

**And be it further enacted by the Authority aforesaid**, That from and after the Publication of this Act, no Person whatsoever coming to reside or dwell within any Town in this Province (other than Freeholders or Proprietors of Land in such Town, or those born, or that have served an Apprentiship there, and have not removed and become Inhabitants elsewhere) shall be admitted to the Priviledge of Elections in such Town, (though otherwise qualified) unless such Person shall first make known his Desire to the Select-men thereof, and obtain their Approbation, or the Approbation of the Town for his dwelling there.

No Town obliged to be at Charge for Relief of Persons, not approved as aforesaid; unless, &c.

Nor shall any Town be obliged to be at Charge for the Relief and Support of any Person residing in such Town (in Case he or she stand in Need) that are not approved as aforesaid; unless such Person or Persons have continued their Residence there by the space of twelve Months next before, and have not been warned in Manner as the Law directs, to depart and leave the Town: Any Law, Usage or Custom to the contrary notwithstanding.

Persons orderly warned, & sent out of any Town, returning back to be proceeded with as Vagabonds.

And if any Person orderly warned to depart from any Town whereof he or she is not an Inhabitant, and being sent by Warrant from a Justice of Peace unto the Town whereto such Person properly belongs, or to the Place of his or her last Abode, shall presume to return back, and obtrude him or her self upon the Town so sent from, by residing there; every Person so offending, shall be proceeded against as a Vagabond.

# Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and held at *Boston* upon Wednesday the twenty-eighth of *May*, 1701.

## CHAP. XI.

## An Act prescribing Forms of Writs in Civil Causes.

BE it enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and it is enacted by the Authority of the same, That all Civil Actions other than such as are Cognizable before a Justice of the Peace, shall be originally heard and tried in an Inferiour Court of Common Pleas; except in Suits where the King is concerned, which may be brought in any of His Majesty's Courts within this Province, at the Pleasure of the Prosecutor. And the proper original Process of Summons, Capias or Attachment, and the Writ of Execution in civil Actions betwixt Party and Party, shall be made out in the Forms following:

*That is to say;*

### Summons.

*S——ss.* WIlliam the Third, by the Grace of GOD, of *England Scotland, France* and *Ireland*, KING, Defender of the Faith, *&c.* To the Sheriff or Marshal of Our County of *S.* his Under-Sheriff or Deputy, *Greeting.* We Command you, That you Summon *A. B.* of *C.* addition (if he may be found in your Precinct) to appear before Our Justices of Our Court of to be holden at *B.* within and for Our said County of *S.* on the *Tuesday* of Then and there in Our said Court to Answer to *D. E.* of *R.* within Our County of *M.* addition in a Plea of To the Damage of the said *D. E.* (as he saith) The Sum of Pounds: Which shall then and there be made to appear with other due Damages. And have you there this Writ with your Doings therein. Witness *E. H.* Esq; at *B.* the Day of In the Year of Our Reign. *Annoque Domini,*

*A. D.* Clerk.

### Capias or Attachment.

*S——ss.* WIlliam the Third by the Grace of GOD of *England, Scotland, France* and *Ireland*, KING, Defender of the Faith, *&c.* To the Sheriff or Marshal of Our County of *S.* his Under-Sheriff or Deputy, *Greeting.* We Command you to Attach the Goods or Estate of *R. F.* of *B.* within Our County of *S.* addition to the Value of Pounds; and for want thereof to take the Body of the said *R. F.* (if he may be found in your Precinct) and him safely keep, so that you have him before Our Justices of Our Court of next, to be holden at *B.* within and for Our said County of *S.* on the *Tuesday* of Then and there in Our said Court to Answer unto *D. S.* of *R.* within Our County of *M.* addition in a Plea of To the Damage of the said *D. S.* (as he saith) the Sum of Pounds: Which shall then and there be made to appear, with other due Damages. And have you there this Writ with your Doings therein. Witness *E. H.* Esq; at *B.* the Day of In the Year of Our Reign. *Annoque Domini,*

*A. D.* Clerk.

### Summons when Goods are Attached.

*S——ss.* WIlliam the Third, by the Grace of GOD, of *England, Scotland, France* and *Ireland*, KING, Defender of the Faith, *&c.* To *A. B.* of *B.* within Our County of *S.* addition *Greeting.* We Command

mand you, That you Appear at Our next Court of to be holden at *B.* within and for Our County of *S.* aforesaid, on the *Tuesday* of Then and there to Answer to *C. D.* of *R.* within Our County of *M.* addition in a Plea of Which Plea the said *C. D.* hath Commenced against you to be heard and tried at the said Court; and your Goods or Estate are Attached to the Value of Pounds for Security to satisfy the Judgment which the said *C. D.* may recover upon the aforesaid Trial. Fail not of Appearance at your Peril. Witness *E. H.* Esq; at *B.* the Day of In the Year of Our Reign. *Annoque Domini*, *A. D.* Clerk.

## Execution.

*S*——*ss.* WIlliam the Third, by the Grace of GOD, of *England, Scotland, France* and *Ireland*, KING, Defender of the Faith, *&c.* To the Sheriff or Marshal of Our County of *S.* his Under-Sheriff or Deputy, *Greeting*. Whereas *C. L.* of *R.* within Our County of *S.* addition by the Consideration of Our Justices of Our Court of holden at *B.* for and within Our County of *S.* aforesaid, on the *Tuesday* of Recovered Judgment against *D. T.* of *B.* in the County of *M.* addition for the Sum of *Pounds* *Shillings* and *Pence*, Debt or Damage, and *Pounds* *Shillings* and *Pence*, Costs of Suit; as to Us appears of Record; whereof Execution remains to be done. We Command you therefore, That of the Goods, Chattels, or Lands of the said *D. T.* within your Precinct, you cause to be paid and satisfied unto the said *C. L.* at the Value thereof in Money, the aforesaid Sums being *Pounds* *Shillings* and *Pence*, in the whole; with *two Shillings* more for this Writ, and thereof also to satisfy your self for your own Fees. And for want of Goods, Chattels or Lands of the said *D. T*'s to be by him shewn unto you, or found within your Precinct to the Acceptance of the said *C. L.* to satisfy the Sums aforesaid: We Command you to take the Body of the said *D. T.* and him commit unto our Goal in *B.* in Our County of *S.* aforesaid; and detain in your Custody within Our said Goal, until he pay the full Sums above-mentioned with your Fees, or that he be discharged by the said *C. L.* the Creditor. or otherwise by Order of Law. Hereof fail not, and make Return of this Writ with your Doings therein into Our said Court of to be holden at *B.* within Our County of *S.* aforesaid, upon the *Tuesday* of next. Witness *E. H.* Esq; at *B.* the Day of in the Year of Our Reign. *Annoque Domini*, *A. D.* Clerk.

11 *W.* ca. 2. And be it further enacted by the Authority aforesaid, That all Processes and Writs, as well Original as Judicial, issuing out of the Clerk's Office of the Superiour Court of Judicature shall bear Teste of the Chief Justice, and upon any Vacancy of such Chief Justice, then of the senior Justice of the said Court for the Time being. And all original or judicial Processes or Writs issuing out of the Clerk's Office of the Inferiour Court of Common Pleas shall bear Teste of the first Justice named in the Commission for holding such Court; and upon any Vacancy by his Death or Removal, then of the Justice next named in the said Commission, for the Time being.

## CHAP. XIII.

## An Act prescribing the Forms of Writs for Possession, Scire Facias, and Replevin.

BE it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Writ for putting such into Possession of any Land or Tenements as shall recover Judgment for the same, and for levying the Cost and Damages recovered upon such Suit, commonly call'd a Writ of *Facias habere*

*habere Poſſeſſionem*, and Writ of *Fieri facias*: As alſo the Writ of *Scire facias*, to be iſſued out of the Superiour or Inferiour Court reſpectively; and the Writ of Replevin, ſhall be from Time to Time granted and iſſued in the Form following. *That is to ſay:*

## Writ of Facias habere Poſſeſſionem, and Fieri Facias.

*S——ſſ.* WIlliam the Third by the Grace of GOD of *England, Scotland, France* and *Ireland*, KING, Defender of the Faith, *&c.* To the Sheriff or Marſhal of Our County of *S.* his Under-Sheriff or Deputy, *Greeting.* Whereas *A. B.* of *C.* addition before Our Juſtices of Our Court of holden for or within Our County of *S.* aforeſaid at *B.* upon the Day of by the Conſideration of Our ſaid Court, recovered Judgment for his Title and Poſſeſſion of and in a certain Meſſuage or Tenement, with the Appurtenances, or Acres of Land, *&c.* lying and being in the Town of *D.* againſt *E. F.* of *C.* addition who had unjuſtly with-held, put out or amoved the ſaid *A. B.* from his Poſſeſſion thereof. And alſo at the ſaid Court recovered Judgment for *Pounds Shillings* and *Pence*, for Coſts and Damages which he ſuſtained by Reaſon of the ſame: As to Us hath been made to appear of Record. We Command you therefore, That without Delay you cauſe the ſaid *A. B.* to have Poſſeſſion of and in the ſaid Meſſuage or Tenement with the Appurtenances; or ſaid Acres of Land, *&c.* We alſo Command you, That of the Goods, Chattels or Lands of the ſaid *E. F*'s within your Precinct at the Value thereof in Money, you cauſe the ſaid *A. B.* to be paid and ſatisfied the aforeſaid Sum of *Pounds Shillings* and *Pence*, which to the ſaid *A. B.* was adjudged for his Coſts and Damages, with *two Shillings* more for this Writ; and thereof alſo to ſatisfy your ſelf for your own Fees. And for want of ſuch Goods, Chattels or Lands of the ſaid *E. F.* to be by him ſhewn unto you or found within your Precinct to the Acceptance of the ſaid *A. B.* to ſatisfy the aforeſaid Sum: We Command you to take the Body of the ſaid *E. F.* and him commit unto our Goal in *B.* in Our County of *S.* aforeſaid; and detain in your Cuſtody within Our ſaid Goal, until he pay the full Sum above-mentioned with your Fees; or that he be diſcharged by the ſaid *A. B.* or otherwiſe by Order of Law. Hereof fail not, and make Return of this Writ with your Doings therein unto Our ſaid Court of to be holden at *B.* upon the Day of next. Witneſs *E. H.* Eſq; at *B.* the Day of In the Year of Our Reign. *Annoque Domini*, *A. D.* Clerk.

## Writ of Scire Facias.

*S——ſſ.* WIlliam the Third by the Grace of GOD of *England, Scotland, France* and *Ireland*, KING, Defender of the Faith, *&c.* To the Sheriff or Marſhal of Our County of *S.* his Under-Sheriff or Deputy. *Greeting.* Whereas *C. D.* of *B.* addition before Our Juſtices of Our Court of holden for or within Our ſaid County of *S.* at *B.* on the Day of In the Year of Our Reign: By the Conſideration of Our ſaid Juſtices, Recovered againſt *A. B.* of *E.* addition the Sum of *Pounds Shillings* and *Pence*, Debt or Dammage; and alſo *Pounds Shillings* and *Pence*, for Coſts and Charges by him about his Suit in that Behalf expended; whereof the ſaid *A. B.* is convict, as to Us appears of Record. And altho' Judgment be thereof rendred, yet the Execution for the ſaid Debt or Dammage, and Coſts, doth yet remain to be made; whereof the ſaid *C. D.* hath ſupplicated Us to provide Remedy for him in that Behalf: Now to the End that Juſtice be done, We Command you, That you make known unto the ſaid *A. B.* That he be before Our Juſtices of Our ſaid Court of to be holden within or for Our ſaid County of *S.* at *B.* on the Day of to ſhew Cauſe (if any he have) wherefore the ſaid *C. D.* ought not to have his Execution againſt him the ſaid A. B for his Debt or Dam-

mage, and Costs aforesaid; and further to do and receive that which Our said Court shall then consider: And have there then this Writ, with your Doings therein: Hereof fail not. Witness *E. H.* Esq; at *B.* the Day of In Year of Our Reign. *Annoque Domini* A. D. Clerk.

## CHAP. XIV.

## An Act prescribing the Form of Writs in Cases triable before a Justice of the Peace.

9 *W.* ca. 2. BE it enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and it is enacted by the Authority of the same, That the several Forms of Writs and Processes here under written, shall be and hereby are established to be the Forms to be granted and used in civil Causes triable before a Justice of the Peace. *That is to say:*

### Summons for Appearance.

*S——ſſ.* TO the Sheriff or Marshal of the said County of *S.* or either of their Deputies, or Constables of the Town of *B.* within the said County, or to any or either of them: *Greeting.* In His Majesty's Name you are required to Summon and give Notice unto *T. P.* of *B.* aforesaid, addition (if he may be found in your Precinct) that he appear before me *J. D.* Esq; One of His Majesty's Justices of the Peace for the County aforesaid, at my dwelling House in *B.* on the Day of at of the Clock in the noon: Then and there to Answer to *E. L.* of *M.* addition In a Plea of To the Damage of the said *E. L.* (as he saith) the Sum of *Shillings:* As shall then and there appear with other due Damages. You are also hereby further required to signify unto the said *T. P.* that he may not fail in the Premisses, as he will Answer the Contempt at the Peril of the Law in this Case made and provided: And of this Writ with your Doings therein you are to make true Return unto my self, at or before the said Day of Dated at *B* aforesaid, the Day of In the Year of His Majesty's Reign. *Annoque Domini,* *J. D.*

### Warrant for Contempt.

*S——ſſ.* TO the Sheriff or Marshal of the said County of *S.* or either of their Deputies, or Constables of the Town of *B.* within the said County, or to any or either of them, *Greeting.* Whereas *T. P.* of *B.* aforesaid addition was served with Summons granted by me *J. D.* Esq; One of His Majesty's Justices of the Peace for the County aforesaid, for his Appearance before me on the Day of to Answer to *E. L.* of *M.* addition in a Plea of And whereas the said *T. P.* hath made default in his said Appearance: These are therefore in His Majesty's Name to will and require you to take the Body of the said *T. P.* (if he may be found in your Precinct) and him safely keep, so that he may be had before me the said *J. D.* at my Dwelling House in *B.* on the Day of at of the Clock in the noon, as well to Answer the said *E. L.* of his Plea aforesaid, as for his said Contempt; and make true Return of this Writ, with your Doings therein unto my Self at or before the said Day of Dated at *B* aforesaid, the Day of In the Year of His Majesty's Reign. *Annoque Domini,* *J. D.*

### Capias or Attachment.

*S——ſſ.* TO the Sheriff or Marshal of the said County of *S.* or either of their Deputies, or Constables of the Town of *B.* within the said County, or to any or either of them, *Greeting.* In His Majesty's Name you are required to attach the Goods or Estate of *T. P.* of *B.* aforesaid addition to the Value of *Shillings*; and for want thereof to take the

the Body of the said *T. P.* (if he may be found in your Precinct) and him safely keep so that he may be had before me *J. D.* Esq; One of His Majesty's Justices of the Peace for the County aforesaid, at my Dwelling House in *B.* on the Day of at of the Clock in the noon; then and there to Answer to *E. L.* of *M.* addition in a Plea of To the Damage of the said *E. L.* (as he saith) the Sum of *Shillings*: As shall then and there appear with other due Damages. Hereof fail not, and make due Return of this Writ and of your doings therein unto my self at or before the said Day of Dated at *B.* aforesaid, the Day of In the Year of His Majesty's Reign. *Annoque Domini.* *J. D.*

## Summons when Goods are attached.

*S*——*ss.* TO *T. P.* of *D.* in the County of *S.* addition *Greeting.* In His Majesty's Name you are Commanded to appear before me *J. D.* Esq; One of His Majesty's Justices of the Peace for the County aforesaid, at my Dwelling House in *B.* on the Day of at of the Clock in the noon; To Answer unto *E. L.* of *M.* addition in a Plea of Which Plea the said *E. L.* hath commenced to be heard and determined before me: And your Goods or Estate are Attached to the value of *Shillings* for Security to satisfy the Judgment which the said *E. L.* may recover upon the aforesaid Tryal. Fail not of Appearance at your Peril. Dated at *B.* aforesaid the Day of In the Year of His Majesty's Reign. *Annoque Domini,* *J. D.*

## Execution or Warrant of Distress.

*S*——*ss.* WIlliam the Third by the Grace of GOD, of *England, Scotland, France* and *Ireland*, KING. Defender of the Faith, *&c.* To the Sheriff or Marshal of Our said County of *S.* or either of their Deputies; or Constables of the Town of *B.* within Our said County, or any or either of them *Greeting.* Whereas *E. L.* of *M.* addition on the Day of before *J. D.* Esq; One of Our Justices of the Peace for our County aforesaid recovered Judgment against *T. P.* of *B.* addition for the Sum of *Shillings* and *Pence*, Debt or Damage, and *Shillings* and *Pence*, for Charges of Suit, as to Us appears of Record; whereof Execution remains to be done. We Command you therefore, That of the Money of the said *T. P.* or of his Goods or Chattels within your Precinct, at the Value thereof in Money, you cause to be levied, paid and satisfied unto the said *E. L.* the aforesaid Sums being *Pounds* *Shillings* and *Pence* in the whole; and also that out of the Money, Goods or Chattels of the said *T. P.* you levy *two Shillings* more for this Writ, together with your own Fees. And for want of such Money, Goods or Chattels of the said *T. P*'s to be by him shewn unto you, or found within your Precinct, to the Acceptance of the said *E. L.* for satisfying the aforesaid Sums; We Command you to take the Body of the said *T. P.* and him commit unto our Goal in *B.* And we Command the Keeper thereof accordingly to Receive the said *T. P.* into Our said Goal, and him safely to keep, until he pay the full Sums above-mentioned, with your Fees; or that he be discharged by the said *E. L.* the Creditor, or otherwise by Order of Law. Hereof fail not, and make Return of this Writ with your doings therein unto Our said Justice within Sixty Days next coming. Witness our said Justice at *B.* the Day of In the Year of Our Reign. *Annoque Domini,* *J. D.*

And be it further enacted by the Authority aforesaid, That in case the Defendant in any Suit being duly served with a Capias or Attachment, and Return therefore made do not appear by himself, or his Attorney, Judgment shall be entred up against him by Default.

CHAP.

## CAAP. XV.

## An Act for Regulating of Trials in Civil Causes.

9 *W.* ca. 2. Writs, Pleas, &c. to be in the Englifh Tongue.

BE it enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That all Writs, Proceſſes, Declarations, Indictments, Pleas, Anſwers, Replications and Entries, in the ſeveral Courts of Juſtice within this Province, ſhall be in the Engliſh Tongue, and no other.

Circumſtantial Errors not to cauſe an Abatement. Amendments to be made.

And that no Summons, Proceſs, Writ, Judgment, or other Proceedings in Courts or Courſe of Juſtice ſhall be abated, arreſted or reverſed for any Kind of circumſtantial Errors or Miſtakes, where the Perſon and Caſe may be rightly underſtood and intended by the Court, nor thro' Defect or want of Form only: And the Juſtices on Motion made in Court, may order Amendment thereof.

Coſts to be granted upon NonSuits, &c.

And be it further enacted and declared by the Authority aforeſaid, That if any Perſon ſhall cauſe Proceſs to be ſerved upon another on pretence of Debt, Treſpaſs; or for any other Matter or Cauſe, and diſcontinue his Suit, or be Non-Suit, the Juſtices of the Court where ſuch Proceſs is returnable, ſhall give Judgment for the Defendant to recover reaſonable Coſts.

Judgment by Default.

And in Caſe the Defendant in any Suit being duly ſerved with Proceſs, and Return thereof made into the Court where the ſame is Returnable, do not appear by himſelf or his Attorney, his Default ſhall be recorded, and Judgment be entred up againſt him thereupon; unleſs before the Jury be diſmiſſed he ſhall come into Court, and move for a Trial; in which Caſe he ſhall be admitted thereto, upon paying down to the adverſe Party the Coſts he has been at ſo far; and the Plaintiff ſhall pay for entring the Action anew.

Juſtices of Courts to make neceſſary Rules for Practice.

And further it is enacted, That as well the Juſtices of the Superiour Court of Judicature, Court of Aſſize and General Goal Delivery, as the Juſtices of the Inferiour Court of Common Pleas, and Juſtices of the Court of General Seſſions of the Peace, in each reſpective County within this Province, be, and are hereby reſpectively impowred, to make neceſſary Rules for the more orderly practiſing in ſuch Court; ſo as that the ſaid Rules be not repugnant to the Laws of this Province: As alſo from Time to Time, to appoint and ſettle a Clerk to officiate in ſuch Court, and to do all Things proper to that Office; who ſhall be under Oath well and truly to execute and diſcharge the ſame.

To appoint their Clerk.

Town Clerk to grant Summons for Witneſs.

And be it further enacted by the Authority aforeſaid, That the Clerk of each Town reſpectively within this Province, as well as the Clerks of the ſeveral Courts aforeſaid, may, and are hereby reſpectively impowred to grant Summons for Witneſs in Civil Cauſes, directed to the Party to be ſummoned for Witneſs; which Summons ſhall be made out in Form following. *That is to ſay:*

*S——ſſ.* *To* A. B. *of* C. addition *Greeting.*

Summons.

YOU are hereby Required in His Majeſty's Name, to make your Appearance before the Juſtices of Our Lord the KING, at the next Court of to be holden at *B.* within and for the County of *S.* on the *Tueſday* of to give Evidence of what you know relating to an Action or Plea of then and there to be heard and tried betwixt *A. B* of *C.* addition Plaintiff, and *D. E.* of *F.* addition Defendant: Hereof fail not, as you will anſwer your Default under the Pains and Penalty in the Law in that Behalf made and provided. Dated at *B.* the Day of In the Year of His Majeſty's Reign. *Annoque Domini*, *A. D.* Clerk.

Penalty on Witneſſes for not appearing.

And if any Perſon or Perſons who ſhall be ſerved with lawful Proceſs, or Summons to teſtify, depoſe or give Evidence concerning any Cauſe or Matter depending in any of the Courts aforeſaid, and having tendred unto him or them ſuch reaſonable Sum or Sums of Money for his or their Coſts and Charges, as having Regard to the Diſtance of the Places is neceſſary to be allowed in that Behalf, do not appear according to the Tenor of the Proceſs or Summons, having

ing no lawful or reasonable Lett or Impediment to the contrary; that then the Party so making Default, shall for every Offence lose and forfeit *forty Shillings*; and shall yield further Recompence to the Party aggrieved, according to the Loss and Hindrance that he shall sustain by Reason of the Non-appearance of such Witness or Witnesses: The said Forfeiture and Damages to be recovered by the Party so grieved against the Offender or Offenders, by Action of Debt in the Inferiour Court of Common Pleas within the same County; wherein no Essoign, Protection or Wager of Law to be allowed. Damages how to be recovered.

And *two Shillings* per Diem shall be accounted due Satisfaction to any Witness for his Travel and Expences; and no more to be allowed in Civil Causes: And if such Witness live within three Miles of the Place of the Court's sitting whereto he is summoned, and be not to pass any Ferry, than *one Shilling and six Pence* per Diem shall be accounted sufficient. Witnesses Allowance.

And no Person serving as a Justice, Juror, Witness or otherwise; shall be required to use any other Ceremony in taking of their respective Oaths, than lifting up the Hand as has been accustomed. Ceremony to be used in Swearing.

**And it is further declared and enacted by the Authority aforesaid,** That it shall be in the Liberty of the Party aggrieved, at the Judgment given in any Inferiour Court of Common Pleas, to Appeal therefrom unto the next Superiour Court of Judicature to be held within or for the same County. And the Party so appealing, before his Appeal be allowed shall give sufficient Security to prosecute the same with Effect: and to answer and pay all intervening Damages occasioned to the Appellee by his being delayed, with additional Costs, in Case the Judgment be affirmed. And Execution shall be stayed and suspended, until after the Trial had upon the Appeal. Liberty of Appeal from the Inferiour Court. Sureties for Appeal how far liable. Execution stayed.

**And further it is enacted,** That the Party Appellant shall produce and give in to the Court where such Appeal is to be tried, attested Copies of the Writ, Judgment, and of all the Evidences filed in the Inferiour Court. And each Party shall be allowed the Benefit of any new and further Plea and Evidence. Appellant to produce the Case. Each Party to have benefit of new Plea and Evidence.

*Saving* always the Liberty of Appeal unto His Majesty in Council, as by His Majesty's Royal Charter in that Behalf is provided.

**And be it further enacted by the Authority aforesaid,** That Execution in any Case shall not be granted until the Expiration of twenty four Hours next after the entering up of Judgment. Execution not to be granted in 24 Hours.

And that no Person imprisoned upon mean Process, shall be held in Prison upon such Process above the space of thirty Days next after the rising of the Court where the same is Returnable, notwithstanding Judgment thereupon recovered; unless such Person be continued there by having his Body taken in Execution: Nor shall the Prison Keeper discharge any such Prisoner having Judgment entred up against him, within the said space of thirty Days after the Court's rising, to the Intent his Body may be taken in Execution, but by special Order of the Party at whose Suit he stands committed, signified in writing under his Hand. Persons imprisoned on mean Process, not to be discharged till 30 Days after Judgment.

Nor shall any Goods or other Estate attached to Respond the Judgment that shall be recovered on Suit brought, be released or discharged from such Arrest until the Expiration of thirty Days next after rendering of Judgment for the Plaintiff in such Suit, to the Intent that he may take the same by Execution for satisfying of such Judgment in Whole or in Part, so far as the Value thereof can extend, if he think fit; unless the Judgment be sooner or otherwise satisfied: Any Law, Usage or Custom to the contrary notwithstanding. Goods or Estate attach'd, not to be released in 30 Days after Judgment.

## CHAP. XVI.

## An Act for Review in Civil Causes.

*TO the Intent there be no failure of Justice; and that the Party against whom Suit is brought, be not fore-closed by a Judgment given against him; when as upon a new Trial he might be better provided of new and further Evidence for his Defence; which probably could not be obtained in so short Time as by Law is allowed for a Trial by Appeal:* 7 G. ca 4. 6 G. 2. ca 3. 24 G. 2. ca. 1, & 7.

Review of Judgment given in the Superiour or Inferiour Court.

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That it shall be in the Liberty of the Party aggrieved at the Judgment given in any Inferiour Court of Common Pleas, or in the Superiour Court of Judicature respectively, by new Process to Review the said Cause once in each Court.

Party Reviewing to bring the Case.

And the Party bringing such Action of Review, shall produce and present attested Copies of the Writ, Judgment and of all the Evidences on File in the former Trial; and each Party shall have the Benefit of any new and further Plea and Evidence.

No Review to be bro't after 3 Years.

*Provided,* No Action of Review shall be brought after the Expiration of three Years from the Time of rendring the Judgment, to be reviewed.

Saving.

*Saving* unto any Infant, Feme Covert, or Person *non compos mentis*, Imprisoned, in Captivity, or out of this Province the Term of three Years next after their coming of full Age, or such Imperfection removed, to bring his or her Action of Review; and not afterward.

Execution not to be staid by reason of Review.

And it is further enacted, That Execution shall not be stayed or suspended, for or by Reason of any Process of Review: Any Law, Usage or Custom to the contrary notwithstanding.

## CHAP. XVII.

## An Act relating to Attorneys.

5 *A.* ca. 1. 13 *A.* ca. 1.

Be it enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Plaintiff or Defendant in any Suit, may Plead or defend his Cause by himself in his proper Person; or with the Assistance of such other Person as he shall procure.

And be it further enacted, That all Attorneys commonly practising in any of the Courts of Justice within this Province, shall be under Oath, which Oath shall be administred to them by the Clerk in open Court before the Justices of the same, at the Time of their being admitted to such Practice; in the Tenor following. *That is to say;*

Attorney's Oath.

*YOU shall do no Falshood, nor consent to any to be done in the Court, and if you know of any to be done, you shall give Knowledge thereof to the Justices of the Court, or some of them; that it may be reformed. You shall not wittingly and willingly, promote, sue or procure to be sued any false or unlawful Suit nor give Aid or Consent to the same. You shall delay no Man for Lucre or Malice. But you shall use your self in the Office of an Attorney within the Court, according to the best of your Learning and Discretion, and with all good Fidelity as well to the Court as to your Clients.* So help you GOD.

Fee.

And the Fee to be allowed for an Attorney in the Superiour Court of Judicature, shall be *twelve Shillings*; and in the Inferiour Court of Common Pleas *ten Shillings*, and no more: And but one Attorney to be paid for in any Case. And none but such as are allowed and sworn Attorneys as aforesaid, shall have any Fee taxed for them in Bills of Cost: Any Law, Usage or Custom to the contrary in any wise notwithstanding.

## CHAP. XVIII

## An Act prescribing the Form of a Warrant for collecting of Town Assessments, &c.

4 *G.* 2. ca. 1. 30 *G.* 2. ca. 1.

Be it enacted and ordained by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Warrant to be issued by the Select-Men or Assessors of the respective Towns, for the collecting and gathering in of Town Rates or Assessments, shall be made in the Form or Tenor following. *That is to say:*

*S——ſſ. To the Conſtable or Conſtables of the Town of A. within the County of S. and every of them,* Greeting.

IN His Majeſty's Name you are required to levy and collect of the ſeveral Perſons named in the Liſt herewith committed unto you, each one his reſpective Proportion (therein ſet down) of the Sum total of ſuch Liſt; being a Tax or Aſſeſsment granted and agreed upon by the Inhabitants of the ſaid Town of *A.* regularly aſſembled, for defraying of the neceſſary Charges ariſing within the ſame: And to deliver and pay in the Sum and Sums which you ſhall ſo levy and collect unto *A. B.* Treaſurer of the ſaid Town, (where any ſuch is appointed) or to the Select-Men; or to *C. D.* (who is by them appointed to receive the ſame) and to compleat and make up an Account of your Collections of the whole Sum, at on or before the Day of And if any Perſon or Perſons ſhall neglect or refuſe to make Payment of the Sum or Sums whereat he or they are reſpectively aſſeſſed and ſet in the ſaid Liſt, to diſtrein the Goods or Chattels of ſuch Perſon or Perſons to the Value thereof, and the Diſtreſs or Diſtreſſes ſo taken, to keep by the ſpace of four Days, at the Coſt and Charge of the Owner; And if the Owner do not pay the Sum or Sums of Money ſo aſſeſſed upon him within the ſaid four Days, then the ſaid Diſtreſs or Diſtreſſes ſo taken, you are to expoſe and openly ſell at an Out-cry, for Payment of the ſaid Money and Charges: Notice of ſuch Sale being poſted up in ſome publick Place within the ſame Town, twenty four Hours before Hand: And the Over-plus coming by the ſaid Sale (if any be) beſides the Sum or Sums of the Aſſeſsment and the Charges of taking and keeping of the Diſtreſs and Diſtreſſes, to be immediately reſtored to the Owner. And for want of Goods or Chattels whereon to make Diſtreſs, you are to ſeiſe the Body or Bodies of the Perſon or Perſons ſo refuſing, and him or them commit unto the Common Goal of the ſaid County; there to remain until he or they pay and ſatisfy the ſeveral Sum or Sums whereat they are reſpectively aſſeſſed as aforeſaid; unleſs upon Application made to the Court of General Seſſions of the Peace, the ſame or any Part thereof ſhall be abated. Dated at *A.* the Day of in the Year of His Majeſty's Reign. *Annoque Domini,*

And be it further enacted by the Authority aforeſaid, That when the Officer appointed for collecting any Rates or Aſſeſsments by Virtue of ſuch Warrant as aforeſaid, ſhall ſeiſe the Body of any Perſon or Perſons for want of Goods or Chattels whereof to make Diſtreſs, and ſhall commit him or them to Priſon; he ſhall give an atteſted Copy of his Warrant unto the Keeper of the Priſon, and thereupon certify under his Hand the Sum or Sums ſuch Perſon or Perſons are to pay as their Proportion to the Aſſeſsment, and that for want of Goods or Chattels whereon to make Diſtreſs, he has ſeiſed his or their Bodies: And ſuch atteſted Copy with the Certificate thereon under the Hand of the Officer, ſhall be a ſufficient Warrant to require the Priſon Keeper to receive and hold ſuch Perſon or Perſons in Cuſtody, until he or they ſhall pay their Rates or Aſſeſsments as aforeſaid, and Charges of Impriſonment: with *one Shilling* for the Copy of the Warrant.

Atteſted Copy of the Warrant, to be given up on Commitment.

## CHAP. XIX.

## An Act providing in Caſe of Sickneſs.

BE it enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That for the better preventing the ſpreading of Infection, when it ſhall happen any Perſon or Perſons coming from Abroad or belonging to any Town or Place within this Province to be viſited; or that late before have been viſited with the Plague, Small-Pox, peſtilential or malignant Fever, or other contagious Sickneſs, the Infection whereof may probably be communicated to others; the Select-Men of ſuch Town be, and hereby are impowred to take Care, and make effectual Proviſion in the beſt Manner they

Additional Act. 24 *G.* 2. ca 6. 30 *G.* 2. ca. 2. 31 *G.* 2. ca 3.

Select-men to provide for the Sick.

can, for the Preservation of the Inhabitants; by removing and placing such sick or infected Person or Persons, to and in a separate House or Houses, and by providing of Nurses, Tendance and other Assistance, and Necessaries for them; at the Charge of the Parties themselves, their Parents or Masters (if able) or otherwise at the Charge of the Town or Place whereto they belong.

Towns to pay the Charge of their own Sick.

And in Case it happen any Person or Persons to be visited with Sickness in any other Town or Place than that whereto they belong, and thereby occasion a Charge to such Town; the Select-Men shall lay the Account thereof before the Justices in Court of General Sessions of the Peace within the County where the Town lies, whereto such Person or Persons belong; and the Justices having adjusted the Account of such Charge, and allowed so much thereof as they judge reasonable, shall order Payment thereof to be made by the Treasurer of such Town; when the Persons themselves, their Parents or Masters are unable to pay the same. And when it shall happen such indigent Persons not to be Inhabitants, or belonging to any Town or Place within this Province, and the proper Charge thereof in Case they need Relief; then the Charge of their Sickness shall be defrayed out of the publick Treasury of the Province, by Warrant from the Governour, with the Advice and Consent of the Council.

Justices to make out Warrant for impressing Lodgings &c.

**And be it further enacted by the Authority aforesaid,** That if need so require, any two Justices of the Peace may make out a Warrant directed to the Sheriff of the County or his Deputy, or Constables of the Town or Place where any such sick Person or Persons shall be; requiring them or any of them in His Majesty's Name, with the Advice and Direction of the Select-Men of the same, to impress and take up convenient Housing, Lodging, Nurses, Tendance and other Necessaries, for the Accommodation, Safety and Relief of the Sick.

Justices impowred to prevent Persons coming on Shoar from any Vessels visited with Sickness.

**And be it further enacted by the Authority aforesaid,** That if any Person or Persons, Seamen or Passengers belonging to or transported in any Ship or Vessel, arriving to any Port or Harbour within this Province happen to be visited with the Plague, Small-Pox, pestilential or malignant Fever during the Voyage; or to come from any Place where such Sickness prevails and is common, any Justice or Justices of the Peace within the County to whom the Notice or Information thereof shall be given, shall forthwith take Care to prevent and restrain all Persons belonging to, or transported in such Ship or other Vessel from coming on Shoar; and if any be before on Shoar, to send them on Board again; as also to restrain Persons from going on Board such Ship or Vessel: And to that End may make out a Warrant directed to the Sheriff of the County or his Deputy, or Constables of the same Town; who are accordingly impowred and required to execute the same. And such Justice or Justices, are forthwith to transmit the Intelligence thereof to the Governour or Commander in Chief for the Time being; who is hereby impowred, with the Advice and Consent of the Council, to take such further Order therein as they shall think fit, for preventing the spreading of the Infection.

Intelligence to be transmitted to the Governour.

## CAAP. XX.

## An Act in Addition to an Act for the Settlement and Support of Schools and School-Masters.

4 *W & M.* ca. 11. 4 *G.* ca. 2. 11 *A.* ca. 1.

*WHEREAS it is by Law appointed,* "That every Town within this "Province having the Number of fifty Housholders or upwards, "shall be constantly provided of a School-Master, to teach Children "and Youth to read and write. And where any Town or Towns have the "Number of one Hundred Families or Housholders, there shall also be a Gram- "mar School set up in every such Town; and some discreet Person of good "Conversation, well instructed in the Tongues, procured to keep such School. "Every such School-Master to be suitably encouraged and paid by the Inha- "bitants. *The Observance of which wholsome and necessary Law is shame-*

*fully*

*fully neglected by divers Towns and the Penalty thereof not required, tending greatly to the Nourishment of Ignorance and Irreligion; whereof grievous Complaint is made:*

For Redress of the same:

Penalty for Non observance of the Law.

**Be it enacted and declared by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That the Penalty or Forfeiture for Non-observance of the said Law, shall henceforth be *twenty Pounds* per Annum; and so proportionably for a lesser Time that any Town shall be without such settled School-Master respectively; to be recovered, paid and employed in Manner, and to the Use as by Law is directed: Any Law, Usage or Custom to the contrary notwithstanding.

Grammar School-Masters to be approved.

Every Grammar School-Master to be approved by the Minister of the Town and the Ministers of the two next adjacent Towns, or any two of them; by Certificate under their Hands.

No Minister to be a School Master.

**And be it further enacted,** That no Minister of any Town shall be deemed, held or accepted to be the School-Master of such Town within the Intent of the Law.

Justices to see to the Observance of the Law.

Grand Jurors to inquire and present Breaches thereof.

And the Justices of Peace in each respective County are hereby directed to take effectual Care, that the Laws respecting Schools and School-Masters, be duly observed and put in Execution. And all Grand Jurors within their respective Counties, shall diligently Inquire and make Presentment of all Breaches and Neglect of the said Laws, that so due Prosecution may be made against the Offenders.

## CHAP. XXI.

## An Act to prevent and make void Clandestine and Illegal Purchases of Lands from the *Indians*.

Preamble.

*WHEREAS the Government of the late Colonies of the* Massachusetts-Bay *and* New-Plymouth; *to the Intent the native* Indians *might not be injured or defeated of their just Rights and Possessions, or be imposed on and abused in selling and disposing of their Lands; and thereby deprive themselves of such Places as were suitable for their Settlement and Improvement:* Did by an Act and Law passed in the said Colonies respectively many Years since, inhibit and forbid all Persons purchasing any Lands of the *Indians*, without the Licence and Approbation of the General Court. *Notwithstanding which, sundry Persons for private Lucre have presumed to make Purchases of Lands from the* Indians, *not having any Licence or Approbation as aforesaid for the same, to the Injury of the Natives, and great Disquiet and Disturbance of many of the Inhabitants of this Province in the peaceable Possession of their Lands and Inheritances lawfully acquired:*

Therefore for the vacating of such illegal Purchases, and preventing of the like for the future:

All Deeds of Bargain, Sale, &c. from *Indians* without Licence, Vacated.

**Be it enacted and declared by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same,** That all Deeds of Bargain, Sale, Lease, Release, or Quit-Claim, Titles and Conveyances whatsoever, of any Lands, Tenements or Hereditaments within this Province, as well for Term of Years as for Ever, had, made, gotten, procured or obtained, from any *Indian* or *Indians* by any Person or Persons whatsoever, at any Time or Times since the Year of Our Lord, One Thousand six Hundred Thirty-three, without the Licence or Approbation of the respective General Courts of the said late Colonies, in which such Lands, Tenements or Hereditaments lay; and all Deeds of Bargain and Sale, Titles and Conveyances whatsoever of any Lands, Tenements or Hereditaments within this Province, that since the Establishment of the present Government, have been, or shall

hereafter be had, made, obtained, gotten or procured, from any *Indian* or *Indians*, by any Person or Persons whomsoever, without the Licence, Approbation and Allowance of the Great and General Court or Assembly of this Province for the same, shall be deemed and adjudged in the Law to be Null, Void and of none Effect.

Proviso for Towns or Persons having Title derived from the General Court.

*Provided nevertheless, and it is notwithstanding hereby* Enacted and Declared, That all such Purchases, Releases and Titles, heretofore had or obtained from any *Indian* or *Indians*, by any Town or Person whatsoever, of any Lands or Hereditaments which such Town or Person also hold and enjoy by Virtue of any Grant or Title made or derived by or from the General Court of either of the Colonies aforesaid: And all Releases, Purchases, Conveyances and Titles, which any Town or Person shall hereafter make, procure or obtain of any *Indian* or *Indians*, for any Lands, Tenements or Hereditaments Granted or that shall be Granted by the General Court to such Town or Person before such Purchase or Title made or obtained from any *Indian* or *Indians*, shall be, and hereby are excepted out of this Act, and be held for Good and Valid in the Law: Any thing herein contained notwithstanding.

Saving for Lands lying Eastward of *Piscataqua* River, at *Martha's-Vineyard* and *Nantucket*.

*Provided also*, That if any Person or Persons, or Town in this Province to the Eastward of *Piscataqua* River, have heretofore purchased or obtained any *Indian* Deed or Title for any Lands, Tenements or Hereditaments in those Parts; or if any Person or Persons have heretofore purchased or obtained any *Indian* Deed or Title for any Lands, Tenements or Hereditaments in the Island of *Capawack*, *alias Martha's-Vineyard*, or the Dependencies thereof, now known by the Name of *Dukes County*, or in the Island of *Nantucket*, for further Confirmation of their other lawful Titles and Possessions: This Act, or any Thing therein contained shall not extend or be construed to extend in any wise to vacate or make void such *Indian* Deed or Title: Any Thing herein contained to the contrary notwithstanding.

Penalty on Persons that shall make Purchases without Licence.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, shall after the Publication of this Act, presume to make any Purchase, or obtain any Title from any *Indian* or *Indians* for any Lands, Tenements or Hereditaments within this Province, contrary to the true Intent and Meaning of this Act; such Person or Persons so offending, and being thereof duly convicted in any of His Majesty's Courts of Record within this Province, shall be punished by Fine and Imprisonment, at the Discretion of the Court where the Conviction shall be; not exceeding double the Value of the Land so purchased, nor exceeding six Months Imprisonment.

Leases of Land from the *Indians* to be approved by the Court of Sessions of the Peace.

And be it further enacted by the Authority aforesaid, That all Leases of Land that shall at any Time hereafter be made by any *Indian* or *Indians* for any Term or Terms of Years, shall be utterly void and of none Effect; unless the same be made by and with Licence first had and obtained from the Court of General Sessions of the Peace in the County where such Lands lie.

Proviso for Sale, from *Indian* to *Indian*.

*Provided nevertheless*, That nothing in this Act shall be taken, held or deemed in any wise to hinder, defeat or make void any Bargain, Sale or Lease of Land made by one *Indian* to another *Indian* or *Indians*.

## CHAP. XXII.

## An Act for establishing of a Naval Office, and for ascertaining of the Fees.

BE it enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That in every Sea Port within the Province, there be an Office kept, to be called and known by the Name of the Naval Office, as has been accustomed; for the entring and clearing of all Ships and other Vessels trading to or from this Province. And the Fees to be demanded and received in the said Office shall be these following, and no other. *That is to say:*

For

| | *l.* | *s.* | *d.* |
|---|---|---|---|
| For entring of Ships and Veſſels trading to this Province from Abroad, (except from the Provinces and Colonies of *Penſylvania*, *New-York*, *Eaſt* and *Weſt-Jerſeys*, *Connecticut*, *Rhode-Iſland*, and *New-Hampſhire*) *One Shilling* each. | 00 | 01 | 00 |
| And for Veſſels trading to or from either of the ſaid Provinces or Colonies, *four Shillings* per Annum; or *ſix Pence* Entry and *ſix Pence* Clearing each Voyage, at the Maſter's Choice. | | | |
| For examining and recording Certificates that Bond is given according to the Acts of Navigation, *two Shillings*. | 00 | 02 | 00 |
| For Bond given according to the Acts of Navigation. | 00 | 02 | 00 |
| For Clearing and Certificate of the Lading, *two Shillings & ſix Pence*. | 00 | 02 | 06 |

And be it further enacted by the Authority aforeſaid, That if any Perſon employed in the ſaid Office, ſhall demand or take any other or greater Fees than by Law are allowed, or ſhall illegally delay and defer the entring or clearing any Ship or other Veſſel; ſuch Officer ſo offending ſhall be liable to double Coſts and Damages, being thereof duly convicted in any of His Majeſty's Courts of Record within this Province.

# An Act,

Paſſed by the Great and General Court of Aſſembly of Her Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and held at *Boſton* upon Wedneſday the twenty-ſeventh of *May*, 1702.

## CHAP. I.

## An Act in Addition to the Act for Regulating the Militia, and for Explanation of a Clauſe in the ſaid Act.

*WHEREAS in the Enumeration of Perſons exempted from Trainings by the Act Intituled*, An Act for Regulating of the Militia, *Perſons Lame or otherwiſe diſabled in Body (producing Certificate from two able Chyrurgeons) are included. And whereas divers Perſons fit and able for Service by corrupt and fallacious Means do obtain ſuch Certificates from ſome Practitioners in Chyrurgery in eluſion of the Law, and contrary to the true Intent and Meaning thereof; and thereupon preſume to neglect their Duty, and plead an Exemption with Diſregard to their Officers, having no orderly Diſmiſſion from them:* 5 *W. & M.* ca. 7.

For Remedy whereof:

Be it enacted and declared by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That no Perſon or Perſons whatſoever ſhall at any Time hereafter, by Virtue of any Certificate already given, or to be given by two Chyrurgeons as aforeſaid, be excuſed or exempted from bearing Arms, and attending Trainings, and other military Exerciſes and Duty in the Troop or Company whereto they reſpectively belong, and are inliſted; or from Impreſſes for Her Majeſty's Service, unleſs for juſt Cauſe they firſt obtain an orderly Diſmiſſion under the Hands of the Commiſſion Officers of ſuch Troop or Company. And in Caſe they unreaſonably refuſe the ſame, then of the firſt Field Officer of the Regiment whereof ſuch Troop or Company is Part; or of the Captain General or Commander in Chief, for the Time being: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Lame Perſons &c. not to be diſmiſs'd from Training, &c. without Approbation of their Officers.

ACTS

# Acts and Laws,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England:* Begun and held at *Boston,* upon Wednesday the twenty-seventh Day of *May,* 1702. And continued by several Prorogations until Thursday the fifteenth of *October* following; and then sat at *Cambridge.*

## CHAP. II.

## An Act to prevent Charges arising upon the County for Prisoners committed for Theft.

5 *A.* ca. 1. Preamble.

*INASMUCH as it often happens, That Persons convicted of Theft, and sentenced to make Restitution to the Party injured as the Law directs, are held long Time in Prison; having not wherewith to satisfy their Creditors, or to pay for their Keeping otherwise than by Service; thereby occasioning great Charge to arise upon the County:*

For Remedy whereof:

Prisoners for Theft not to be held more than 30 Days after Sentence unless, &c.

**Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and it is enacted by the Authority of the same,** That hence-forth no Person or Persons convicted and sentenced for committing of Theft, shall be held, or continued in Prison for and on account of Restitution or Damages awarded to the Party injured, for more than the space of thirty Days next after such Judgment or Sentence given; Unless the Creditor will become engaged, or give Caution to the Keeper of the Prison to pay and satisfy his Charge and Expence in keeping of such Prisoner both for Time past and future, not exceeding *Three Shillings per* Week.

Keepers Power to discharge the Prisoner in Case.

And in Case the Creditor shall refuse or neglect so to do and shall not dispose of or take such Prisoner in Service; or otherwise release him, the Keeper shall no longer be chargeable with such Prisoner, but may set him at Liberty; Any Law, Usage or Custom to the contrary in any wise notwithstanding. And in every such Case the Prisoner shall pay and satisfy his own Fees and Charges; and if he be unable, then upon Application made by the Keeper to any two Justices of the same Court *Quorum Unus*; such two Justices are hereby impowred to adjust and determine the Sum to be paid, and to order and enjoyn the Prisoner to make Satisfaction by Service for such reasonable Time as they shall assign, for which Term the Keeper may dispose of him in Service to any of Her Majesty's *English* Subjects.

**And it is further enacted by the Authority aforesaid,** That if any Action, Bill, Suit or Information shall be commenced or prosecuted against the Keeper of such Prison for what he shall do in pursuance of this Act; he may plead the general Issue, Not Guilty; and upon Issue joyned may give this Act and the special Matter in Evidence; And if the Plaintiff or Prosecutor shall become Non-suit, or suffer a Discontinuance; or if Verdict pass against him, the Defendant shall recover Costs and Damages for the Molestation.

## CHAP. III.

## An Act more effectually providing for the Support of Ministers.

Preamble.

*WHEREAS in some few Towns and Districts within this Province, divers of the Inhabitants are* Quakers, *and others irreligious Persons, averse and opposite to the public Worship of God, and to a learned orthodox Ministry; and find out Ways to elude the Laws provided for the Support of such, and prevent the good Intentions thereof; to the Encouragement of Irreligion and Prophaneness:*

For

For Remedy whereof: And in further Addition to the Act, Intitled, *An Act for the Settlement and Support of Ministers and School-Masters*, Made in the Fourth Year of the Reign of King *William* and Queen *Mary*: And the Additions thereto heretofore made; 4 *W.* & *M.* co. 11. 4 & 5 *W.* & *M.* ca. 20. 7 *W.* ca. 9.

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That when and so often from Time to Time, as Information or Complaint shall be made to the Court of General Sessions of the Peace in any County, that the Minister of any Town or District within such County, qualified as aboveſaid, is not suitably encouraged, supported or maintained, according to his Contract or Agreement made with the Inhabitants; or according to the Allowance and Maintenance ordered him by the Court of General Sessions of the Peace; as the Law directs where there is no such Contract, or that the same happen to be expired, by Reason that the Select-Men or other Assessors of such Town or District, do refuse or neglect to assess and raise such Maintenance, and cause the same to be levied upon the Inhabitants; or that Payment thereof is withheld from the Minister: In every such Case, the said Court is hereby directed and further impowred, over and above the imposing of the Fine by Law set upon such delinquent Select-Men or Assessors, to appoint three or more sufficient Freeholders within the same County, to assess and apportion the Sum agreed or set for the yearly Support and Maintenance of such Minister, either by Contract or Court Order, upon the Inhabitants of such Town or District, in Manner as is directed for the raising other publick Charges; and to present the List of such Assessment unto two Justices of the Peace of the same County, *Quorum Unus*; who are hereby impowred and required to make out and affix a Warrant thereto, directed to the Constables of such Town or District, in Form as is by Law prescribed for the levying and collecting of Town Rates or Assessments, *Mutatis Mutandis*; requiring them to collect and levy the Sum total of the said List, and pay in the same unto the Minister; or to such Person as shall be appointed by the Sessions to receive the same to his Use; And such Constables failing of a due Observance and Execution of such Warrant, shall incur the like Pains, Penalties and Forfeitures, as for not collecting and paying in any other Rates or Assessments to them committed. And the Court of General Sessions of the Peace is further directed and impowred, to order meet Satisfaction to be made unto the Assessors so appointed, for their Pains and Trouble. out of the Fines set upon the delinquent Select-men or Assessors as aforesaid. And the remainder of the said Fines, (if any be) to be paid to the County Treasurer for defreying the necessary Charges of the County: Any Law, Usage or Custom to the contrary in any wise notwithstanding.

Court of General Sessions Power to appoint Assessors.

13 *W.* ca. 20.

Two Justices to make out a Warrant for collecting.

Satisfaction to be given to the Assessors.

And be it further enacted by the Authority aforesaid, That the Inhabitants of each District or Precinct respectively, regularly set off from any Town, shall be, and are hereby impowred to name and appoint a Clerk, as of right Towns by Law have; as also Assessors for the assessing and raising a Maintenance and Support for the Minister of such District or Precinct; and to make out a Warrant in Form as by Law prescribed for Town Rates or Assessments, directed to the Constable of the Town or District, for the collecting and levying of the same; who is required to execute such Warrant accordingly. And in Case the Assessors so appointed, shall refuse or neglect that Service, the Select-men of the Town from whence such District or Precinct was set off, shall and are hereby required to assess the Inhabitants of the same, the Sum agreed upon or set for Maintenance of the Minister thereof.

Inhabitants of Districts their Power.

4 *G.* ca. 1. 7 *G.* ca. 7.

CHAP.

## CHAP. IV.

## An Act for appointing Commissioners of Sewers.

Preamble.

*WHEREAS great Quantities of Meadows and Low Grounds belonging to sundry Persons in several Towns, are spoiled by the Overflowing of Rivers, Brooks and Waters occasioned by Banks and Stoppages in their Courses, which by Industry may be removed, to the Benefit and Profit of the Owners: And also much Meadow and Pasture Lands might be gained out of Swamps and other rough and unprofitable Grounds, by drowning and dreyning the same.*

*To the intent therefore that the Owners of such Lands and Meadows may be encouraged, and enabled to remove such Obstructions as occasion such Overflows; and to damm and flow their Swamps and other Grounds, and thereby bring them to Meadow or Pasture, that they may be made profitable to them:*

Governour & Council to grant Commissions of Sewers.

**Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same,** That it shall be in the Power of the Governour and Council from Time to Time, upon Request to them made by the major Part of the Proprietors of any such Lands, to grant Commissioners of Sewers to such and so many able and discreet Persons, as to them shall seem meet, for the clearing and removing of the Banks and Obstructions of the Passages of the Waters in Rivers, Brooks or Ponds, that occasion the Overflows and Drowning of Meadows and low Lands; and also for the damming and flowing of Swamps and other unprofitable Grounds, and dreyning of them. By which Commissions, the said Commissioners shall be impowred to meet and convene together from Time to Time as Occasion may require, to View, Consider, Consult and Contrive such Ways and Methods for the clearing and removing the Obstructions aforesaid; and for the drowning and dreyning of Swamps and other unprofitable Grounds: And to employ Workmen and Labourers for such reasonable Wages as may be agreed on, for the effecting the Premises; and from Time to Time to assess and tax all such Persons as may or shall be Owners of such over-flowed Lands or Meadows, or such unprofitable Swamps and Lands as aforesaid, towards the Charge thereof; having regard to each Person's quantity of Land and Benefits to be received thereby, as equally according to their best Judgment as they can; and also to appoint and swear a Collector or Collectors, for the collecting and gathering and paying in the same to such Persons, as by the said Commissioners shall be appointed to receive it; with Powers to distrain all such Persons as shall neglect or refuse to make Payment of his, her or their Parts or Proportion set and assessed as aforesaid, in such Manner as in the Province Rates and Taxes by Law may be done, and to call before themselves the said Collector or Collectors to Account for his or their Betrustments, with Reference to the Premisses.

Commissioners Power.

**And further be it enacted by the Authority aforesaid,** That the said Commissioners shall be Sworn for the faithful Discharge of their Trust, and shall receive such Salaries out of the said Assessments, for their Time and Expences touching the Premisses, as the Governour and Council shall appoint; unto whom the said Commissioners shall be accountable when they shall be thereunto required.

Commissioners to be Sworn.

**And be it further enacted by the Authority aforesaid,** That in case it shall so happen that any Proprietor of any such Lands or Meadows to be drowned or Dreyned as aforesaid, shall be unable; or otherwise neglect to pay his, her, or their Part or Proportion of the said Rates or Assessments; it shall and may be lawful to and for the other Proprietors concerned therein to pay the said Assessment, and to hold the said Lands and Meadows so long until the Rates and Profits to be received of those Lands may Reimburse them; and the Commissioners aforesaid shall determine the Time how long.

*Provided always*, That it shall be in the Liberty of any Person aggrieved at any Procedure had or made by the said Commissioners, or any others in pursuance of this Act, to appeal therefrom unto the Governour and Council for Relief.

CHAP.

## CHAP. V.

### An Act for the Reviving and Re-enacting a Clause in the Act, Intituled An Act for the Regulating and Encouragement of Fishery; that hath been for some Time Repealed by the General Assembly.

*WHEREAS in the second Paragraph of the said Act*, It is enacted, "That henceforth no Mackrel shall be caught (except for spending "whilst fresh) before the first of *July* annually: *And whereas the said Clause by an Act afterwards made and passed by the General Assembly, was Repealed and made void; which said Repeal, and the unseasonable catching of Mackrel thereupon, hath been experienced to be very prejudicial to this Province:* 4 *W. & M.* ca. 15.

Be it therefore enacted by his Excellency the Governour, Council and Representatives convened in General Court or Assembly, and it is enacted by the Authority of the same, That the said Clause above-recited, shall be, and is hereby revived and re-enacted: And that henceforth no Person or Persons whatsoever, shall presume to catch or cause to be caught any Mackrel (except for spending whilst fresh) before the first of *July* annually; on Penalty of forfeiting all the Mackrel so caught contrary to the true Intent and Meaning of this Act, and *twenty Shillings* per Barrel over and above for each Barrel of the same: The one Half of the said Forfeiture to be to Her Majesty, for and towards the Support of this her Government; and the other Half to him or them that shall inform and sue for the same, in any of Her Majesty's Courts of Record within this Province. Penalty for catching Mackrel before the first of *July*; except, &c.

---

# An Act,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, on Wednesday the tenth of *March* 1702.

---

## CHAP. I.

### An Act against the Diminishing and Counterfeiting of Money.

BE it enacted and declared by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That every Person duly convicted of counterfeiting or impairing, diminishing or debasing any of Her Majesty's Coins; by washing, clipping, rounding, filing or scaling of the same, shall be proceeded against as a Felon, and suffer the Pains of Death. Counterfeiting or Diminishing of Her Majesty's Coins: 12. & 13. *W.* ca. 4.

And that every Person duly convicted of counterfeiting, or impairing, diminishing or debasing any of the Money established to be current Money within this Province, according to the Act, *For ascertaining the Value of Coins current within this Province*; by washing, clipping, rounding, filing or scaling of the same, shall be set in the Pillory by the space of one whole Hour; and have one of his Ears nailed thereto; and also be publickly whipped upon the naked Body with so many Stripes as the Court before whom the Conviction shall be, shall order; not exceeding forty, and pay all Charges of Prosecution. Counterfeiting or Diminishing of the current Money of the Province.

Clippings, Fillings, &c.

Be it further enacted by the Authority aforesaid, That every Person duly convicted of buying or receiving any clippings, scalings or filings of Money shall forfeit and pay a Fine of *twenty Pounds*; one Moiety thereof unto Her Majesty, for and towards the Support of the Government within this Province; and the other Moiety to him or them that shall inform and sue for the same: and also be imprisoned by the space of three Months.

## An Act,

Passed by the Great and General Court or Assembly of HerMajesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and held at *Boston* upon Wednesday the twenty-sixth of *May*, 1703. And continued upon Adjournment unto Wednesday the thirtieth of *June* following; and then met.

### CHAP. II.

### An Act relating to Molatto and Negro Slaves.

10 *W.* ca. 6, & 8. 2 *A.* ca. 4. 4 *A.* ca. 6. 6 *A.* ca. 3.

WHEREAS *great Charge and Inconveniencies have arisen to divers Towns and Places, by the Releasing and setting at Liberty* Molatto *and* Negro *Slaves*:

For Prevention whereof for the future:

Security to be given for Molatto's or Negroes set free.

Be it declared and enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That no Molatto or Negro Slave shall hereafter be manumitted, discharged or set free, until sufficient Security be given to the Treasurer of the Town or Place such where Person dwells, in a valuable Sum, not less than *fifty Pounds*; to secure and indemnify the Town or Place from all Charge for or about such Molatto or Negro, to be manumitted and set at Liberty, in Case he or she by Sickness, Lameness or otherwise, be rendred uncapable to suppott him or her self.

None to be accounted free, for whom Security is not given.

And no Molatto or Negro hereafter manumitted shall be deemed or accounted free, for whom Security shall not be given as aforesaid; but shall be the proper Charge of their respective Masters or Mistresses, in Case they stand in need of Relief and Support; notwithstanding any Manumission or Instrument of Freedom to them made or given: And shall also be liable at all Times to be put forth to Service by the Select-Men of the Town.

## Acts and Laws,

Passed by the Great and General Court or Assembly of HerMajesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and held at *Boston*, upon Wednesday the twenty-sixth Day of *May*, 1703. And continued by Adjournment and Prorogations until Wednesday the twenty-seventh of *October* following; and then met.

### CHAP. III.

### An Act in Addition to the Act for providing of Pounds, &c.

5 *W.* & *M.* ca. 9. 10 *W.* ca. 4.

WHEREAS *it often happens, that the Owners of* Cattle, Sheep *or* Swine *Impounded, notwithstanding due Notice thereof given them, neglect to compound or make Satisfaction for the Trespass and Damage done, but suffer their Creatures to lie long Time in Pound, to the augmenting of Charge, and otherwise proving inconvenient:*

For

For Remedy whereof:

Be it declared and enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That if the Owner of any neet Cattle, Horses, Sheep or Swine impounded, being duly notified thereof, shall not within the space of forty eight Hours next after such Notice given, replevie his Creatures, or otherwise orderly obtain their Release; the Party trespassed upon, making Application to a Justice of the Peace, within the same County, for a Warrant of Apprizement; such Justice is hereby directed and impowred to make out a Warrant to two or more sufficient indifferent Persons, and to administer an Oath unto them, to make a due and equal Apprizement and Estimate of the Value of such Creatures, or so many of them as shall be sufficient to answer the Damage, and all Charges: And the Party damnified may retain and keep the Creatures so apprized to his own Use, to make Sale of them at his Pleasure rendring the Overplus of the apprized Value (if any be) to the Owner.

Justice of the Peace to make out a Warrant of Apprizement.

The Impounder to make Sale, or retain to his own Use.

## CHAP. IV.

## An Act to prevent Disorders in the Night.

*WHEREAS great Disorders, Insolences and Burglaries are oftimes raised and committed in the Night-Time by* Indians, Negro *and* Molatto *Servants and Slaves, to the Disquiet and Hurt of Her Majesty's good Subjects:*

Preamble. 2 *A.* ca. 2.

For Prevention thereof:

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That no *Indian, Negro* or *Molatto* Servant or Slave, may presume to be absent from the Families whereto they respectively belong, or be found Abroad in the Night-Time after nine a Clock; unless it be upon some Errand for their respective Masters or Owners.

*Indian, Negro* and *Molatto* Servants, not to be abroad after nine at Night.

And all Justices of the Peace, Constables, Tything-Men, Watch-Men, and other Her Majesty's good Subjects, being Housholders within the same Town, are hereby respectively impowred to take up and apprehend, or cause to be apprehended any *Indian, Negro* or *Molatto* Servant or Slave that shall be found Abroad after nine a Clock at Night, and shall not give a good and satisfactory Account of their Business, make any Disturbance, or otherwise misbehave themselves; and forthwith convey them before the next Justice of the Peace (if it be not over-late in the Night) or to restrain them in the common Prison, Watch-House, or Constable's House, until the Morning; and then cause them to appear before a Justice of the Peace, who shall order them to the House of Correction to receive the Discipline of the House, and then be dismiss'd; unless they be charged with any other Offence, than Absence from the Families whereto they respectively belong, without Leave from their respective Masters or Owners: And in such Towns where there is no House of Correction, to be openly whipped by the Constable, not exceeding ten Stripes.

If found abroad or misbehave themselves, to be apprehended and sent to the House of Correction.

## CHAP. V.

## An Act relating to Executors and Administrators.

*FOR the better preventing of Executors or Administrators doing of Wrong, or falsifying of the Trust in them reposed:*

4 *W.* & *M.* ca. 2. 13 *G.* ca. 4 & 6.

Be it declared and enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That henceforth every Executor named in any Will, taking upon him that Charge by proving of such Will, within the space of three Months next after Probate thereof (or at such further and longer Time, as the Judge of Probate shall see meet to allow, the Circumstances of any Estate requiring

Executors to exhibit an Inventory, or give Bond. 12 *G.* 2. ca. 2.

the same) shall exhibit into the Register's Office upon Oath, a full and true Inventory of the whole Estate of the Deceased, so far as is then come to his Hands and Knowledge; and shall add thereto what and so much as may further afterwards appear: or otherwise shall give Bond, with one or more sufficient Sureties, to pay the Debts and Legacies of the Testator: on pain of forfeiting *five Pounds* per Month, for every Month's neglect thereof afterward, as is by Law provided for not presenting of a Will; and to be recovered in like Manner.

Penalty for neglect.

No Bond to be accepted where the Estate is bequeathed in general.

*Provided nevertheless*, That in Wills, where, after the Payment of Debts, and of any certain particular Legacy or Legacies, the Residue or Remainder of the Estate, is bequeathed generally to any one or more Persons, other than the Executors themselves; in every such Case, an Inventory of the Estate shall be presented upon Oath as aforesaid, and no Bond be accepted in Lieu thereof: And the Executors shall be liable to Account as Administrators are by Law obliged to do.

Executor being residuary Legatary may sue his Co-Executor.

And any Executor being a residuary Legatary, may bring his Action of Account against his Co-Executor or Executors, of the Estate of the Testator in their Hands; and may also sue for and recover his equal and rateable Part thereof. And any other residuary Legatary shall have like Remedy against the Executors.

Writs of Attachment, &c. not to go against the Body of the Executor or Administrator.

**And be it further enacted by the Authority aforesaid**, That all Writs of Attachment and Execution shall run only against the Goods or Estate of the Party deceased in the Hands of his Executor or Administrator, and not against their Bodies; nor shall any Executor or Administrator be held to special Bail upon mean Process, nor his own proper Goods or Estate be seised, or his Person be arrested, or taken in Execution for the Debts or Legacies of the Testator or Intestate; but upon Suggestion of a Waste, and Return made by the Sheriff *Nulla Bona*, or *Devastavit*.

*Scire Facias* to be granted on Suggestion of Waste.

In which Case, a *Scire Facias* shall be issued out of the Clerk's Office of the same Court, against such Executor or Administrator, and *Scire Feci* being returned, if the Executor or Administrator shall make Default of Appearance; or coming in, shall not shew sufficient Cause to the contrary, Execution shall be adjudged and awarded against him of his own proper Goods and Estate, to the Value of such Waste, where it can be ascertained, otherwise for the whole Sum recovered; and for want of Goods or Estate, against his Body.

Executors & Administrators to make Payment in Specie.

**And be it further enacted and declared**, That every Executor or Administrator, shall make Payment of the Debts and Legacies of the Testator or Intestate, in Specie, if such he hath as Assetts in his Hands; and if he hath not the same in Kind, he shall expose the Estate to the Creditor or Legatary, to take his Satisfaction thereof, at his Election, at a due and equal Rate and Value by Apprizers then to be indifferently named and sworn. And where Judgment and Execution shall be awarded for any Debt or Legacy to be paid in Money; and the Executor or Administrator hath not Money of the Testators or Intestates as Assetts in his Hands, the Sheriff shall levy the Goods or Estate of the Deceased, and expose the same to a publick and open Sale for Money, at the best Rate and Value that he can; and thereout pay such Debt or Legacy, and his own Fees, with the necessary reasonable Charges arising on the Sale, and return the Over-plus (if any be) to the Executor or Administrator: or else shall pay and satisfy the Creditor or Legatary out of the Goods, or Estate levyed, if he see Cause to accept the same, at the Value in Money, upon a due and equal Apprizement made by sufficient Persons upon their Oaths, to be indifferently named and appointed for that Purpose: Any Law, Usage or Custom to the contrary in any wise notwithstanding.

The Estate to be exposed to Sale.

CHAP.

# An Act,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston* upon Wednesday the thirty-first of *May*, 1704.

## CHAP. I.

## An Act of Privilege to the Members of the General Assembly, and Judges of Assize.

Preamble.

*UPON Consideration that several Members of the Council and divers of the Representatives live in the remote Parts of the Province, and are occasioned to be at considerable Charge and Expence in travelling and attending of Her Majesty's Service in the Great and General Court or Assembly, over and above their stated Allowance by Law. As also, that the Judges of Assize are put to considerable Charge and Expence in riding of the Circuit:*

Son or Servant exempted from Military Duty.

**Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That every Member of the Council, each Representative of any Town or District, and each Judge of Assize within this Province, during their continuance in the said respective Offices, Employment and Trust; shall enjoy the Privilege of having one Son or Servant, (such as they shall choose, dwelling in the House) exempted and freed from all Impresses, Detachments, and military Exercises; except watching in their Turn, as the Law provides: Any Law, Usage or Custom to the contrary notwithstanding.

# Acts and Laws,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the thirtieth of *May*, 1705. And continued by several Prorogations until Wednesday the twenty-fourth of *October* following, and then met, being their third Session.

## CHAP. I.

## An Act for Regulating the Assize of Cask for Tar, Pitch, Turpentine and Rozin; and for preventing Frauds and Deceits in the said Commodities.

Additional Act. 4 *W. & M.* ca. 5. 7 *A.* ca. 3.

**BE it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That from and after the last of *March* next, *Anno* One Thousand seven Hundred and six, all Cask made for Tar, Pitch, Turpentine and Rozin within this Province, shall be of the Gage and Assize following; *That is to say*; Barrels for Tar, to be thirty two Gallons; and half Barrels, sixteen Gallons; and none under: And Cask for Pitch, Turpentine and Rozin, to be of thirty five Gallons; and made of sound well seasoned Timber. And that each Cooper shall set his distinct Brand-Mark on all his Casks so made for those Commodities.

Gage of Cask.

To be Brand-mark'd.

Viewers and Gagers to be appointed.

And that there be a fit Person or Persons nominated and appointed annually in all Places where the said Commodities are made or vended, to be Gagers, Viewers and Surveyors of Cask made for the aforesaid Commodities; and mark such as they find Merchantable and of due Assize: For which Service the Cooper

that

Their Fee. that employs them, shall pay *sixteen Pence* per Ton, for what they shall mark. And the Select-men of every Town in this Province, where such Commodities are made or vended, shall chose and appoint a fit Person or Persons some Time in the Month of *March* annually, not only for Gaging the Cask before they are filled; but for searching and proving them afterwards, and marking such Cask as they find Merchantable, with such Mark as the Select-Men of the Town shall appoint; which Officers shall take the Oath appointed by this Act, to be administred by such as do Swear Town Officers in the respective Towns.

Gagers, &c. to attend the Service. **And be it further enacted by the Authority aforesaid,** That the Persons so appointed and sworn to be Gagers, Surveyors and Searchers of Cask, Tar, Pitch, Rozin and Turpentine; shall at all seasonable Times on due Notice given them, attend and perform the said Service of Gaging Cask, and Surveying and Searching Tar, Pitch, Turpentine and Rozin; by cleansing the Tar of Water, and filling it up with good Tar; and examining of the Turpentine, by broaching it on the Head opposite to the Bung, for the better Discovery of Dirt and Chips, and over-great Bungs and other Frauds.

And also to see that Rozin and Pitch be well made, and the Cask well filled and without Deceit, after the best Manner that may be; and to mark such Cask of the aforesaid Commodities as they find Merchantable, with the Mark appointed for each Town: For which Service the Officer shall receive

Their Fees. *two Shillings* per Ton for such Cask of Tar, Pitch, Rozin and Turpentine, as he shall so examine and mark; besides *three Pence* per Mile for travel above one Mile. And if the Owner of the aforesaid Commodities, or Maker of the Cask that are marked, refuse to satisfy the Officer for his Fees aforementioned, he shall

Power to distrain. have Power to detain so much of the Commodity as will make him Satisfaction for his Fees and Travel aforesaid: And if the Owner do not redeem it within twenty-four Hours, then to expose it to Sale; and out of the Proceeds to satisfy himself his Fees and Charges, returning the Over-plus (if any be) to the Owner.

Penalty on Coopers for selling Cask unmark'd. **And be it further enacted by the Authority aforesaid,** That if any Cooper shall expose any Cask for the aforementioned Commodities to Sale, without his own and the Gagers Marks; all such unmark'd Cask shall be forfeited.

Turpentine not to be put up without Straining. And if any Person shall put up Turpentine into any Cask of the aforesaid Gage without straining out the Chips and Bark (as much as may be) he shall forfeit every Barrel of Turpentine so filled.

Penalty for Fraud. And if any Person shall be convicted of using any Frauds or Deceit in putting up or filling any Cask with Tar, Pitch, Rozin or Turpentine; he shall pay a Fine of *twenty Shillings* for each Cask of any of the aforesaid Commodities in which any Fraud shall be discovered; or be publickly whipped, as the Court of General Sessions of the Peace, that shall have the Cognizance thereof shall determine, and pay the Charge of Prosecution; and the aforementioned Commodities in which the Deceit shall be found, shall be forfeited.

Court of Sessions of the Peace to appoint Surveyors, Gagers and Searches in Sea Port Towns. **And be it further enacted,** That in each Sea Port Town within this Province, where the aforesaid Commodities, (or any of them) are usually shipped to go beyond Sea; the Court of General Sessions of the Peace in each County respectively, wherein such Sea Port lies, shall, at their first Session in the Spring annually, nominate and appoint, one or more suitable Persons to be Surveyors, Gagers and Searchers of Tar, Pitch, Turpentine or Rozin: Which Officer shall when he is desired, View, Gage and Search all such Cask of the aforesaid Commodities as shall be presented to his View, and mark each Cask that he finds Merchantable, on the fairest Head, with such Mark as the Sessions of Peace

Their Fees. shall appoint; for which Service they shall be paid by the Shipper *two Pence* for each Cask so marked. And the said Officers shall be Sworn by the Sessions that appointed them, to the faithful discharge of their Office, or by two Justices of the Peace. And every such Surveyor is hereby impowred, by and with a

To search Ships by Warrant from the Governor. general Warrant to be made out for that Purpose by the Governour and Vice-Admiral for the Time being, to search all Ships and other Vessels, wherein he shall be informed or suspect, that any Tar, Pitch or Rozin is shipped contrary to this Act.

And

And it is further enacted, That no Cask of Tar, Pitch, Rozin, or Turpentine shall be exported without marking as the Law directs. And if any Master of any Ship or Vessel, or any other Person belonging thereto, shall take or receive on Board any such Ship or Vessel any Tar, Pitch, Rozin or Turpentine not so marked; he or they who shall offend therein, and be convicted thereof, shall forfeit *five Shillings* for each unmarked Cask so taken on Board contrary to Law; and pay the Costs of Prosecution, over and above the Forfeiture of the Goods so unduly shipped. Cask to be mark'd before shipping.

And it is further enacted by the Authority aforesaid, That all Fines, Penalties and Forfeitures arising by Force and Virtue of this Act, shall be one Half to the Use of the Poor of the Town where the Offence shall be discovered; and the other Half to him or them that shall inform and sue for the same in any of Her Majesty's Courts of Record within this Province. Penalty for Neglect.

And be it further enacted, That an Oath shall be administred to the Officers that shall be chosen to Gage, Survey and Search Tar, Pitch, Rozin and Turpentine, in the Form following: *viz.* Fines & Forfeitures how to be disposed.

YOU——*Swear, diligently and faithfully to intend the Office of——that you are appointed unto, within the Town of——and to discharge the Duty and Trust thereby required of you impartially after your best Skill and Cunning according to Law.* So help you GOD. Oath.

Any Law, Usage or Custom to the contrary notwithstanding.

## CHAP. II.

## An Act in Addition to the Act for due Regulation of Weights and Measures.

BE it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Sealer appointed in each Town within this Province, from Time to Time, as by the Act Intituled, *An Act for due Regulation of Weights and Measures*, is directed; shall be and is hereby impowred to go to the Houses of such of the Inhabitants as upon Warning given in Manner as by the said Act is appointed, shall neglect to bring or send in their Beams, Weights and Measures, to be proved and sealed at the Place assigned for that Purpose, and shall there Prove and Seal the same; and shall demand and receive of the Owner for every Beam, Weight and Measure proved and sealed *two Pence*, and no more: And every Person that shall refuse to have their Beams, Weights and Measures viewed, proved and sealed, shall forfeit the Sum of *five Shillings*; one Moiety thereof to the Use of the Poor of the Town, and the other Moiety to the Sealer; to be recovered in Manner as by the aforesaid Act is provided. And if any Person shall bring his Beam, Weights or Measures to be proved and sealed at any other Time than on the Day or Days set by the Sealer for that Purpose, he shall in like Manner pay *two Pence* for each that shall be tried and sealed. Sealer his Duty and Fee. 4 *W. & M.* ca. 14. Penalty on Persons refusing to have their Weights and Measures sealed.

And be it further enacted by the Authority aforesaid, That if any Person from and after the first Day of *May*, One Thousand seven Hundred and six, shall sell, vend or utter any Goods, Wares, Merchandizes, Grain or other Commodities whatsoever, by other Beams, Weights or Measures than such as shall be proved and sealed, as the Law requires; the Persons so offending shall lose and forfeit the Sum of *five Shillings* for each Offence of that Kind; one Moiety thereof to the Use of the Poor of the Town where the Offence shall be committed, and the other Moiety to the Sealer or Informer, who shall prosecute the same; to be heard and determined by one or more of Her Majesty's Justices of the Peace. Penalty for weighing with Beams or Weights unseal'd.

And be it further enacted by the Authority aforesaid, That there be provided by the Treasurer of this Province, a good Beam and Scales, and a Nest of Troy Weights, from one Hundred twenty eight Ounces downward Beams, Scales and Nest of troy Weights to be provided by the Treasurer.

to

to the leaſt Denomination, marked with the Mark or Stamp uſed in Her Majeſty's Exchequer, for a publick Standard. And that from and after the firſt Day of *October*, One Thouſand ſeven Hundred and ſix, each Town within this Province ſhall, at their own Coſt, and by the Care of the Select-Men or Town Treaſurer, be provided with a Neſt of Troy Weights of a different Form, from Averdupoize, the biggeſt, not to be leſs than eight Ounces: As alſo Penny Weights and Grains, proved by the publick Standard, each to be marked the Number of Ounces, Penny Weight or Grains which it contains; to be for their Town Standards; on Penalty of forfeiting the Sum of *five Pounds*, to the Uſe of the County in which any Town lies that ſhall neglect to be ſo provided; by which all Troy Weights within ſuch Town ſhall be proved and ſealed by the Sealer thereto appointed, who ſhall be paid after the Rate of a *Farthing* per Weight for every ſuch Weight which he ſhall Prove and Seal. And if any Perſon ſhall preſume to weigh any Silver, Bullion or other Species whatſoever, proper and uſed to be weighed by Troy Weights, by any other Weights, or by any Beam or Troy Weights not proved and ſealed as aforeſaid; the Perſon ſo offending ſhall forfeit the Sum of *five Shillings*, to be recovered and diſpoſed of in Manner as is herein before provided, for ſelling by other Weights and Meaſures unſealed.

Towns to be provided with a Neſt of Troy Weights.

Penalty for Neglect.

None to weigh Silver or Bullion &c. by any other Weights.

Town Standards to be prov'd once in ten Years by the Publick, & to be marked.

**And be it further enacted by the Authority aforeſaid,** That all Beams Weights and Meaſures kept for Standards in the ſeveral Towns ſhall be proved and tried by the publick Standard at the end of ten Years, from Time to Time. And all Town Standards ſhall be ſtamp'd with this Mark, *viz. N. E.* Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Sealer to go to Merchants Houſes, &c.

**And be it further declared,** That the Sealer is hereby enjoined, and required to go to the Houſes or Store-Houſes of Merchants and others that uſually weigh with great Beams and Weights, and there Prove and Seal the ſame: for which he ſhall be paid by the Owner of ſuch Beam and Weights, his reaſonable Charge of carrying the Standards; and *eight Pence* per Hour for his Time in attending that Service, over and above the Fee herein before appointed.

## CHAP. III.

## An Act in Addition to and Explanation of the Act relating to Sureties upon Mean Proceſs in Civil Actions.

5 *W. & M.* ca. 5.

**BE it enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame,** That upon ſpecial Bail given in any Civil Action according as is ſet forth in the Act Entitled, *An Act relating to Sureties upon mean Proceſs in Civil Actions*: it ſhall be lawful for the Surety or Sureties at any Time or Times before the Judgment given in ſuch Cauſe be affirmed againſt ſuch Surety or Sureties, upon a Writ of *Scire Facias* brought, as by the ſaid Act is provided to bring the Principal into Court, and move to be diſcharged; and the Court upon ſuch Motion made, ſhall order the Principal to be taken into Cuſtody of the Sheriff, who ſhall detain him by the ſpace of thirty Days, that ſo the Creditor by that Time may take his Body in Execution, if he think fit; and in Caſe he be not ſerved with Execution before the expiration of the ſaid thirty Days, the Sheriff at the End thereof ſhall releaſe him upon the Payment of his Priſon Charges. And the Sureties from and after the rendring of the Principal in Court as aforeſaid, and then paying to the Creditor the Coſt he has been at for bringing forward his Suit by *Scire Facias*, to be adjuſted in Court, ſhall be diſcharged from their Suretiſhip in like Manner as if they had rendred the Principal in Court at the Time of entring up of the Judgment, as is before provided: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Principal to be rendred in Court before Judgment affirmed upon *Scire Facias*.

Sureties diſcharg'd upon rendring the Principal, and paying of Coſts.

*For*

*For the more equal and impartial Administration of Justice :*

No Justice of either Bench to be a Judge or Attorney in any Case determined by him as Justice of Peace.

BE it declared and enacted, That no Justice of the Superiour, or of any Inferiour Court of Pleas within this Province, shall have a Voice in judging or determining of any Civil Action which has before been heard and determined by him singly, as a Justice of Peace, and his Judgment appealed from; nor shall he be admitted an Attorney to plead or defend any such Cause.

## CHAP. IV.

## An Act to prevent Fraud in Cord-Wood exposed to Sale.

Additional Act, 9 *A.* ca. 4.

BE it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That all Cord Wood exposed to Sale, shall be four Feet long, accounting to half the Carf; and the Cord being well and close laid together, shall measure eight Feet in length, and four Feet in heighth.

Measure of a Cord of Wood.

Wood Corders to be appointed & sworn.

Fee. 9 *A.* ca. 4.

And in every Town and District within this Province where Wood is usually sold by the Cord, the Select-Men shall annually nominate and appoint some meet Persons to be Wood Corders; who shall be sworn in like Manner as other Town Officers, to the faithful Discharge of their Office, and shall diligently attend that Service; and demand and receive *three Pence*, and no more per Cord for all Wood that shall be corded by them.

## CHAP. V.

## An Act against Burning of Houses.

Burning of Houses declared to be Felony.

BE it declared and enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That if any Person of the Age of sixteen Years and upwards, shall willingly and maliciously, by Day or Night, burn the Dwelling House of another, or other House Parcel thereof; or any House built for publick Use; any Barn having Corn, Grain or Hay therein; any Mill Malt-House, Store-House, Shop or Ship: The Person so offending as aforesaid, shall be deemed and adjudged to be a Felon; and shall suffer the Pains of Death accordingly.

## CHAP. VI.

## An Act for the better preventing of a spurious and mixt Issue, &c.

Penalty for a Negro or Molatto Man, committing Fornication with a Christian Woman.

BE it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That if any Negro, or Molatto Man shall commit Fornication with an English Woman, or a Woman of any other Christian Nation within this Province; both the Offenders shall be severely whipped at the Discretion of the Justices of Assize, or Court of General Sessions of the Peace within the County where the Offence shall be committed; And the Man shall be ordered to be Sold out of the Province, and be accordingly sent away within the space of six Months next after such Order made; And be continued in Prison at his Master's Charge, until he be sent away. And the Woman shall be enjoyned to maintain the Child (if any there be) at her own Charge: And if she be unable so to do, she shall be disposed of in Service to some of Her Majesty's Subjects within the Province, for such Term as the Justices of the said Court shall order, for the Maintenance of the Child.

Penalty for a Christian Man committing Fornication with a Negro or Molatto.

And if any English Man, or Man of other Christian Nation within this Province, shall commit Fornication with a Negro, or Molatto Woman, the Man so offending shall be severely whipped, at the Discretion of the Justices of the Court of Assize, or Court of General Sessions of the Peace, before whom the Conviction shall be; and shall also pay a Fine of *five Pounds* to Her Majesty for and towards the Support of the Government; and be enjoined to maintain the Child, if any there be: And the Woman shall be sold, and sent out of the Province, as aforesaid.

Penalty for a Negro or Molatto striking a Christian.

And if any Negro or Molatto shall presume to smite or strike any Person of the English, or other Christian Nation; such Negro or Molatto shall be severely whipped, at the Discretion of the Justices before whom the Offender shall be convicted.

No Christian to Marry with a Negro or Molatto.

And be it further declared and enacted by the Authority aforesaid, That none of Her Majesty's English or Scottish Subjects; nor of any other Christian Nation within this Province, shall contract Matrimony with any Negro, or Molatto. Nor shall any Person, duly authorized to solemnize Marriages, presume to join any such in Marriage; on Pain of forfeiting the Sum of *fifty Pounds*; one Moiety thereof to Her Majesty, for and towards the Support of the Government within this Province; and the other Moiety to him or them that shall inform and sue for the same, in any of Her Majesty's Courts of Record within the Province, by Bill, Plaint or Information.

Penalty for joining any such in Marriage.

And no Master shall unreasonably deny Marriage to his Negro, with one of the same Nation: Any Law, Usage or Custom to the contrary notwithstanding.

All Negroes Imported to be entred & Duty paid.

And be it further enacted by the Authority aforesaid, That from and after the first Day of *May*, in the Year one Thousand seven Hundred and six, every Master of Ship or Vessel, Merchant or other Person, importing or bringing into this Province, any Negro or Negroes, Male or Female, of what Age soever, shall enter their Number Names and Sex in the Impost Office; and the Master shall insert the same in the Manifest of his Lading; and shall pay to the Commissioner and Receiver of the Impost *four Pounds* per Head for every such Negro, Male or Female: And as well the Master, as the Ship or Vessel wherein they are brought, shall be Security for Payment of the said Duty; and both or either of them shall stand charged in the Law therefor to the Commissioner; who may deny to grant a Clearing for such Ship or Vessel, until Payment be made; or may recover the same of the Master, (at the Commissioner's Election) by Action of Debt, Bill, Plaint or Information in any of Her Majesty's Courts of Record within this Province.

Master and Ship both Security for the Duty.

Penalty for not entring of Negroes

And if any Master of Ship or Vessel, Merchant or other shall refuse or neglect to make Entry as aforesaid, of all Negroes imported in such Ship or Vessel; or be convicted of not entring the full Number; such Master, Merchant or other Persons shall forfeit and pay the Sum of *eight Pounds*, for every one that he shall refuse or neglect to make entry of; one Moiety thereof to Her Majesty for and towards the Support of the Government of this Province, and the other Moiety to him or them that shall inform of the same, to be recovered by the Commissioner in Manner as aforesaid.

Draw-Back upon Exportation, &c.

And if any Negro imported as aforesaid, for whom the Duty is paid, shall be again exported within the space of twelve Months, and be *bonâ fide* sold in any other Plantation; upon due Certificate thereof produced, under the Hand and Seal of the Collector or Naval Officer in such other Plantation, the Importer here shall be allowed to draw back the whole Duty of *four Pounds* by him paid; and Order shall be given accordingly. And the like Advantage of the Drawback shall be allowed to the Purchaser of any Negro sold within this Province, in Case such Negro happen to die within the space of six Weeks next after Importation, or bringing into this Province.

# Acts and Laws,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the twenty-ninth of *May*, 1706.

## CHAP. I.

## An Act for the better securing the Payment of Prison Charges.

Preamble.

*WHEREAS Persons are oft-times arrested and imprisoned for Debt, or Pretence thereof, not having wherewith to pay their Prison Charges; and the Goaler or Prison Keeper, is constrained to feed and support them at his own Charge, to his great Loss:*

For Prevention whereof:

Attorney's liable in Case.

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That if any Attorney, Practitioner in the Law, or others, shall cause any Person to be arrested and imprisoned upon mean Process for Debt or Pretence thereof, and the Prisoner be unable or have not wherewith to pay his Prison Charges; the Person at whose Suit he is committed, his Attorney or Lawyer that took out and caused such Writ to be served; in Case the Principal be out of this Province or Government, shall stand charged for the Prisoner's Fees, Diet and other necessary Charges, for so long Time as he shall be held and detained in Prison upon such Process; no further Prosecution being had thereon to a Judgment in Law, and be liable to the Goaler or Prison-Keeper's Action for the same: Any Law, Usage or Custom to the contrary notwithstanding.

## CHAP. II.

## An Act for a new Choice of Town Officers on special Occasions.

Town Officers may be Chosen at any other Meeting than that of *March* in Case. 4 *W. & M.* ca. 12.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when by Reason of the Non-Acceptance, Death or Removal of any Person or Persons chosen to Office in any Town at the General annual Meeting for the Choice of Town Officers, there happens to be a Vacancy or Want of such Officers; the Town being orderly assembled, upon due Warning given and Notice of the Occasion, may proceed to a new Choice of Officers to supply and fill up such Vacancy, at any other Town Meeting, the Restriction of the Choice of Town Officers by Law to the Month of *March* annually notwithstanding.

## CHAP. III.

## An Act for erecting a Powder-House within the Town of *Boston*.

Preamble.

*WHEREAS for the better securing and safe keeping of the publick Stock of* Gun-Powder, *and preventing the great Loss and Danger of Casualties befalling the same: And considering the imminent hazard by keeping Powder in Store-Houses with other Goods and Merchandizes; or in, or near to Dwelling-Houses; The Government have thought it necessary to order the erecting and building of a publick Magazine or Powder-House on the Common or Training-Field in* Boston:

Penalty for lodging Powder in other Place, but the publick Powder House.

Be it therefore enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That from and after the building and fitting the said House for the receiving and lodging of Gun-Powder, all Gun-Powder imported and landed at the Port of *Boston*, shall be brought to and lodged in the said Magazine or Store, and not elsewhere; on Pain of Confiscation of all Powder put or kept in any other House or Place; one Moiety thereof to and for the Use and Supply of the publick Store of the Province, and the other Moiety to the Informer; to be recovered by Bill, Plaint or Information in any of Her Majesty's Courts of Record within the same.

Saving.

*Saving nevertheless*, The ordinary Town Stocks of *Boston* and *Charlestown* from Time to Time; the Fortifications and Garrisons immediately under the Governour's Command; the Quantity of *fifty Pounds* at a Time in a Shop for Sale; and such Part of the publick Stores as shall be directed by the Governour and Council, from Time to Time; to be lodged in other Place or Places.

See Resolve at the end of this Act.

Payment for Merchants Powder.

And be it further enacted by the Authority aforesaid, That for all Powder belonging to Merchants or other private Persons put into the said Magazine, there shall be paid to the Use of the Province, *one Shilling* per Barrel at the Receipt thereof; and *six Pence* per Barrel per Month, for three Months next after the first; and then *four Pence* per Barrel per Month, during it's lying there: Out of which (if there be sufficient to answer it,) the Charge of looking after the said House and the Powder lodged there, shall be defreyed from Time to Time.

Governor & Council to give Instructions, &c.

The Governour and Council to give necessary Instructions and Orders from Time to Time, as they shall think fit, for regulating the keeping of all Powder put into the said Magazine, for the preserving thereof; and that it be turned once a Month at the least.

Keeper of the House to attend.

And the Keeper of the said House shall duly attend at proper Hours to be assigned by the Governour and Council, for the receiving and delivering out of Merchants Powder.

How the Charge of Keeping the House is to be defreyed.

And if at any Time the Payment for Merchants Powder (an Account whereof shall be rendred on Oath) will not defrey the Charge of looking after the said House, so much as is wanting, shall be paid out of the publick Treasury.

---

[*At a Great and General Court held at* Boston, *on the second Day of* March, 1721. *Question*, Whether in the Act Intitled *An Act for erecting of a Powder-House in the Town of* Boston, *made in the fifth Year of Queen* Anne; *the Saving therein mentioned doth not intend all the Gun-Powder belonging to the Province?*

*Resolved in the Affirmative*; *and that it is to be construed and understood of all Powder removed by Order of the Governour and Council for the Province Service.*]

---

## CHAP. IV.

## An Act for the better preventing of Criminals avoiding of Justice.

Warrant &c. out of the Clerk of the Peace Office to run thro' the Province.

Be it declared and enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That all Warrants and Summons in Criminal Matters, issuing out of the Clerk's Office of the Court of General Sessions of the Peace for any County, upon Complaint, Presentment or Indictment lying before such Court; shall run through the several Counties within the Province, and be duly executed by the Officer or Officers to whom they are directed, according to the Tenor thereof; as is already by Law provided for Writs in Civil Causes.

11 *W.* ca. 2.

---

# Acts and Laws,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston* upon Wednesday the twenty-eight of *May*, 1707.

## CHAP. I.

## An Act in Addition to the Act directing how Rates or Taxes to be granted by the General Assembly, shall be assessed and collected.

*WHEREAS the several Towns within this Province are by Law impowered annually to choose Assessors distinct from the Select-Men for the assessing of the Towns Proportion of all publick Taxes laid from Time to Time, by Order of the General Assembly:*

4 *W. & M.* ca. 13.

**Be it declared and enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That the Assessors from Time to Time chosen in each Town distinct from the Select-Men, shall be the Assessors of such Town's Proportion also, to the County and Town Charges: who shall likewise be under Oath to the Discharge of that Trust, according to the Rules and Directions in the Law in that Respect, and to be under the like Penalty for not accepting and serving as is by Law directed for the Province Tax. Assessors.

And every Town may choose a Collector or Collectors for the gathering of the County and Town Charges, if the Inhabitants shall think fit; as the Law provides for the Province Taxes: Any Law, Usage or Custom to the contrary notwithstanding Collectors.

# Act of Parliament.

## CHAP. II.

## An Act for Ascertaining the Rates of Forein Coins in Her Majesty's Plantations in America.

*WHEREAS for Remedying the Inconveniencies which had arisen from the different Rates at which the same Species of Forein Silver Coins did pass in Her Majesty's several Colonies and Plantations in* America, *Her Most Excellent Majesty has thought fit by Her Royal Proclamation, bearing Date the Eighteenth Day of* June, One Thousand Seven Hundred *and* Four, *and in the Third Year of Her Reign, to Settle and Ascertain the Currency of Forein Coins in Her said Colonies and Plantations, in the Manner and Words following:* Preamble.

WE having had under Our Consideration the different Rates at which the same Species of Forein Coins do pass in Our several Colonies and Plantations in *America*, and the Inconveniencies thereof, by the indirect Practice of Drawing the Money from one Plantation to another; to the great Prejudice of the Trade of Our Subjects: And being Sensible, That the same cannot be otherwise Remedied, than by Reducing of all Forein Coins to the same Current Rate within all Our Dominions in *America*; And the principal Officers of Our Mint having laid before Us a Table of the Value of the several Forein Coins which usually pass in Payments in Our said Plantations, according to their Weight; and the Assays made of them in Our Mint, thereby shewing the just Proportion which each Coin ought to have to the other; which is as followeth,

loweth; *viz. Sevill* Peices of Eight, Old Plate, Seventeen Peny-weight Twelve Grains, *Four Shillings* and *Six-pence*; *Sevill* Peices of Eight, New Plate, Fourteen Peny-weight, *Three Shillings Seven pence One farthing*; *Mexico* Peices of Eight, Seventeen Peny-weight Twelve Grains, *Four Shillings* and *Six pence*; *Pillar* Peices of Eight, Seventeen Peny weight Twelve Grains, *Four Shillings* and *Six-pence Three farthings*; *Peru* Pieces of Eight, Old Plate, Seventeen-Peny-weight Twelve Grains, *Four Shillings* and *Five-pence*, or thereabouts; Croſs Dollars, Eighteen Peny-weight, *Four Shillings* and *Four-pence Three-farthings*; Ducatoons of *Flanders*, Twenty Peny weight and Twenty-one Grains, *Five Shillings* and *Six-pence*; Ecu's of *France*, or Silver *Lewis*, Seventeen Peny-weight Twelve Grains, *Four Shillings* and *Six-pence*; Cruſadoes of *Portugal*, Eleven Peny-weight Four Grains, *Two Shillings* and *Ten-pence One farthing*; Three Gilder Pieces of *Holland*, Twenty Peny-weight and Seven Grains, *Five Shillings* and *Two-pence One-farthing*; Old Rix Dollars of the Empire, Eighteen Peny-weight and Ten Grains, *Four Shillings* and *Six pence*: The Halfs, Quarters and other Parts in Proportion to their Denominations, and Light Peices in Proportion to their Weight: We have therefore thought fit for Remedying the ſaid Inconveniencies, by the Advice of Our Council, to Publiſh and Declare, That from and after the Firſt Day of *January* next enſuing the Date hereof, No *Sevill*, *Pillar*, or *Mexico* Peices of Eight, though of the full Weight of Seventeen Peny-Weight and an half, ſhall be Accounted, Received, Taken or Paid within any of our ſaid Colonies or Plantations, as well thoſe under Proprietors and Charters, as under Our immediate Commiſſion and Government, at above the Rate of *Six Shillings* per *Piece* Current Money, for the Diſcharge of any Contracts or Bargains to be made after the ſaid Firſt Day of *January* next, the Halfs, Quarters, and other leſſer Pieces of the ſame Coins to be Accounted, Received, Taken, or Paid in the ſame Proportion: And the Currency of all Pieces of Eight of *Peru*, Dollars, and other Forein Species of Silver Coins, whether of the ſame or Baſer Alloy, ſhall after the ſaid Firſt Day of *January* next, ſtand Regulated, according to their Weight and Fineneſs according and in Proportion to the Rate before Limited and Set for the Pieces of Eight of *Sevill*, *Pillar* and *Mexico*; So that no Forein Silver Coin of any Sort be permitted to exceed the ſame Proportion upon any account whatſoever. And We do hereby Require and Command all Our Governours, Lieutenant-Governours, Magiſtrates, Officers, and all other Our good Subjects within Our ſaid Colonies and Plantations, to Obſerve and Obey Our Directions herein, as they Tender Our Diſpleaſure.

*And whereas notwithſtanding the ſaid Proclamation, the ſame indirect Practices as are therein mentioned, are ſtill Carried on within ſome of the ſaid Colonies or Plantations, and the Money thereby drawn from one Plantation to another, in Prejudice of the Trade of Her Majeſty's Subjects: Wherefore for the better Inforcing the due Execution of Her Majeſty's ſaid Proclamation throughout all the ſaid Colonies and Plantations; and for the more effectual Remedying the ſaid Inconveniencies thereby intended to be Remedyed:*

Penalty for accounting, receiving taking or paying any of the ſeveral Species of Forein Silver Coins herein mentioned, at any greater or higher Rate after the firſt of *May*, 1709.

**Be it enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame,** That if any Perſon within any of the ſaid Colonies or Plantations, as well thoſe under Proprietors and Charters, as under Her Majeſty's immediate Commiſſion and Government, ſhall after the Firſt Day of *May*, which ſhall be in the Year of Our Lord, *One Thouſand ſeven Hundred and Nine*, for the Diſcharge of any Contracts or Bargains to be thereafter made, account, receive, take or pay any of the ſeveral Species of Forein Silver Coins mentioned in the before-recited Proclamation, at any greater or higher Rate than at which the ſame is thereby Regulated, Setled and Allowed, to be Accounted, Received, Taken or Paid, every ſuch Perſon ſo Accounting, Receiving, Taking or Paying the ſame contrary to the Directions therein contained, ſhall ſuffer

ſix

six Months Imprisonment without Bail or Mainprize: Any Law, Custom or Usage in any of the said Colonies or Plantations to the contrary hereof in any wise notwithstanding; And shall likewise forfeit the Sum of *Ten Pounds* for every such Offence; One Moiety thereof to Her Majesty, Her Heirs and Successors; the other Moiety to such Person or Persons as shall sue for the same: To be Recovered with full Costs of Suit, by Action of Debt, Bill, Plaint or Information, in any of Her Majesty's Courts of Justice within any of the said Plantations, or in any of the Courts of Justice of the Charter or Proprietary Governments where such Offence shall be committed.

*Provided nevertheless*, and it is hereby Declared, That nothing in the before-recited Proclamation, or in this Act contained, shall extend, or be construed to compel any Person to receive any of the said Species of Forein Silver Coins, at the respective Rates in the said Proclamation mentioned.

*Provided also*, and it is hereby further Declared, That nothing in this Act contained, shall Extend or be Construed to Restrain her Majesty from Regulating and Setling the several Rates of the said Species of Forein Silver Coins within any of the said Colonies or Plantations, in such other Manner, and according to such other Rates and Proportions as her Majesty by her Royal Proclamation for that Purpose to be issued, shall from time to time judge proper and necessary; or from giving Her Royal Assent to any Law hereafter to be made in any of the said Colonies or Plantations, for the Setling and Ascertaining the Current Rates of such Coins within the said Colonies or Plantations; but that such further Regulations may be made, and such Assent given, in as full and ample Manner, to all Intents and Purposes, as the same might have been done in Case this Act had not been made, and no otherwise: Any Thing herein before contained to the contrary hereof in any wise notwithstanding.

## CHAP. III.

## An Act for the Regulating of free Negroes, &c.

Preamble.

*WHEREAS in the several Towns and Precincts within this Province, there are several free Negroes and Molattoes able of Body, and fit for Labour; who are not charged with Trainings, Watches, and other Services required of Her Majesty's Subjects; whereof they have Share in the Benefit:*

Negroes, &c. to do Service Equivalent to Trainings, &c.

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Select-Men of each Town or Precinct, be, and hereby are impowred to Order and Require so many Days Work yearly of each free Male Negro, or Molatto, able of Body, dwelling within such Town or Precinct; in repairing of the High-Ways, cleansing the Streets; or other Service for the common Benefit of the Place, as at the Discretion of the Select-Men, may be judged an Equivalent to the Services performed by others, as aforesaid.

And every Negro or Molatto as aforesaid, being duly warned by the Select-Men or other Person appointed by them, that shall neglect or refuse to attend and perform the Labour and Service at the Place and Time, as he is directed; shall forfeit and pay to the Use of the Poor of such Town or Precinct *five Shillings* per Diem, for each Days neglect of his Duty, in that Respect.

Penalty for neglect.

And be it further enacted, That all free Male Negroes, or Molattoes, of the Age of sixteen Years and upwards, able of Body, in Case of Alarm, shall make their Appearance at the Parade of the military Company of the Precinct wherein they dwell; and attend such Service as the first Commission Officer of such Company shall direct, during the Time the Company continues in Arms; on Pain of forfeiting the Sum of *twenty Shilings*, to the Use of the Company, or performing eight Days Labour, as aforesaid; without reasonable Excuse made and accepted, for not attending.

To attend in Case of Alarm.

And

Not to harbour Servants.

And be it further enacted, That every free Negro or Molatto, who ſhall harbour or entertain any Negro or Molatto Servant in his or her Houſe, without the Leave and Conſent of their reſpective Maſters or Miſtreſſes; ſhall forfeit and pay the Sum of *five Shillings*, to the Uſe of the Poor of the Town, for each Offence.

Puniſhment in Caſe of not paying their Fines.

And if any Negro or Molatto as aforeſaid. ſhall be unable to pay his or her Fine; or ſhall neglect or refuſe to attend the Labour aſſign'd him as aforeſaid; any of Her Majeſty's Juſtices upon Complaint thereof made, are hereby impowred to commit ſuch Delinquent to the Houſe of Correction, there to receive the Diſcipline of the Houſe, and to be kept to hard Labour double the Number of Days aſſigned him to Work as aforeſaid; or as is the Sum of his or her Fine, at the Rate of *one Shilling* per Diem.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of Her Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and Held at *Boſton*, upon Wedneſday the twenty-ſixth Day of *May*, 1708.

## CHAP. I.

## An Act in Addition to and Explanation of the Act for Prevention of common Nuſances.

4 *W.* & *M.* ca. 9.

*WHEREAS in the Act Intitled, An Act for Prevention of common Nuſances, ariſing by Slaughter-Houſes, Still-Houſes, Tallow-Chandlers and Curriers, made and paſs'd in the fourth Year of the Reign of King* William *and Queen* Mary; It is directed and ordered, "That there be "Houſes ſpecially aſſign'd for the killing of Meat, Diſtilling, trying of Tallow, "and currying of Leather, where they may be leſs offenſive: And that the ſaid "Callings be exerciſed in no other Places:

Leather Dreſſers comprehended under the Denomination of Curriers.

Be it declared and enacted by his Excellency the Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That the dreſſing of Leather, either with Lime, Allum or Oil; and particularly the latter, is intended, comprehended, and ſo to be underſtood in the ſaid Act under the Denomination of Curriers; and is hereby declared a common Nuſance; and forbidden under the Pains and Penalties in the ſaid Act mentioned.

## CHAP. II.

## An Act in Addition to the Act for the Relief of Idiots and diſtracted Perſons.

6 *W.* & *M.* ca. 2.

*WHEREAS in and by the Act Intitled*, An Act for the Relief of Idiots and diſtracted Perſons; *made and paſs'd* Sexto Willielmi *et* Mariæ, *the Juſtices of the Superiour Court of Judicature are directed and impowred to licence and authorize the Select-Men or Overſeers of the Poor of the Town or Place whereto ſuch impotent or diſtracted Perſon belongs; or ſuch others as the ſaid Juſtices ſhall think fit, to make Sale of the Houſing and Land of any ſuch impotent or diſtracted Perſon; the Produce thereof upon Sale to be ſecured, improved and imployed to and for the Uſe Relief and Safety of ſuch Perſon, as the Juſtices ſhall direct; as long as the Perſon ſhall live, or until he or ſhe be reſtored to be of ſound Mind: And the Overplus (if any be) to and for the Uſe of the next and right Heirs of ſuch Party: which Uſes being ſo reſtrained and limited, the juſt Debts of the Party (in Caſe ſuch there be) cannot be paid thereout; which expoſes the Eſtate to Loſs and Charge of Law-Suit for recovery thereof:*

Be

Be it therefore declared and enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Goods, Chattels, Housing and Lands of any impotent or distracted Person, or the Produce thereof upon Sale made, by Licence and Impowerment as aforesaid, be subject in the first Place, and be accordingly so directed and applied to the Payment of the just Debts owing by such Person, which were contracted before the Time of his or her Distraction: Any Restriction or Limitation in the afore-recited Act, Law, Usage or Custom to the contrary notwithstanding. Estate of Persons distracted, subject to the Payment of their Debts.

## An Act,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the twenty-sixth Day of *May*, 1708. And continued by several Prorogations unto Wednesday the sixteenth of *February* following, and then met.

### CHAP. III.

### An Act in Addition to the Act for Regulating the Assize of Cask for Tar, Pitch, Turpentine, &c. and for preventing Frauds and Deceit in the said Commodities.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That all Persons from and after the Publication of this Act, who are Makersor Drawers of Tar, Pitch, Turpentine and Rozin in any Town within this Province, shall after the making thereof, and before they expose the same to Sale, set the first Letters of their Names, with a Brand Mark, on the best Head of the Barrel they put it up in; and shall also cause the same first to be searched by the Searcher: and upon his Certificate, to be entred by the Town Clerk, in a particular Book for that End, with the Name of the Owner, Time of Entry, and Mark, in the Head of every Barrel; in the Town where the Maker or Drawer lives. And the Town Clerk shall be paid by the Owner thereof for recording and giving out Certificate, the Sum of *six Pence* for each Parcel. And all Tar, Pitch, Turpentine and Rozin that shall be sold, disposed of or transported out of the Town where it is made, before it be searched, marked, both with the Marker and Searcher's mark, and recorded as aforesaid, shall be forfeited. And if any Man shall presume to counterfeit another Man's Mark on any of the said Commodities, he shall pay as a Fine the Sum of *four Pounds* for each Barrel he shall make a counterfeit Mark upon.

4 *A.* ca. 1.

Tar, &c. to be mark'd on the Head with a Brand Mark and upon Certificate from the Searcher to be Registred.

Town Clerk's Fee for Register & Certificate.

Penalty for Counterfeiting the Mark.

And the respective Officers appointed and to be appointed in each Sea-Port Town within this Province, to Search, Survey and Gage all Tar, Pitch, Turpentine and Rozin, according to the Law, shall be paid for all of the said Commodities, that shall be exported out of the Province, by the Shipper, the Sum of *three Pence* per Barrel, for their Service therein, instead of the *two Pence* per Barrel in the Law already enacted.

Fee for Searching before Shipping.

And it is further enacted by the Authority aforesaid, That all Fines, Penalties and Forfeitures arising by Force and Virtue of this Act shall be the one Half to the Use of the Poor of the Town, where the Offence shall be discovered, and Seizure made; and the other Half to him or them that shall inform and sue for the same, in any of Her Majesty's Courts of Record within this Province: Any Law, Usage or Custom to the contrary notwithstanding.

Fines and Forfeitures how to be disposed.

# An Act,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston* upon Wednesday the twenty-fifth Day of *May*, 1709.

## CHAP. I.

## An Act for the Upholding and Regulating of Mills.

Preamble.

*WHEREAS frequently there are divers Partners, Owners of Mills erected for the common Use and Benefit of the respective Towns wherein they are, and oft-times improved by the Inhabitants of Neighbouring Towns: And forasmuch as by Reason of Disagreement, Death or Decay of some of the Partners, or perplexity by Entail on their Descendants, Mills sometimes fall to despair, and are rendred useless and unserviceable, if not totally demolished, to the Hurt and Detriment of the Publick, as well as Loss to the other Partners, who stand ready to advance their Parts of the Charge for repairing, amending, or rebuilding of the same:*

Additional Act. 12. *A.* ca. 9 1 & 2 *G.* 2. ca. 4.

**Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That when and so often as it shall happen any Mill, or Mills, Mill Dam, Flood Gates, Sluces, running Gear, or Appurtenances, to be demolished, broken, worn out, or stand in need of Repair and Amendment, it shall and may be lawful to and for any one or more of the Partners, on Knowledge thereof, to notify and summon a general Meeting of the whole, at the said Mill or Mills, on a certain Day and Time, within fifteen Days next after the issuing of such Notification or Summons, to consult and agree about the rebuilding or repairing of such Mill or Mills, or Appurtenances, or Defects therein, to make them serviceable.

Owners Meeting.

Major Part of the Interested to direct.

And if any Partner being so notifyed, shall neglect to attend such Meeting, or being met shall refuse to agree with the major Part of the Interested for rebuilding, repairing and fitting up of such Mill or Mills, so as to make them serviceable, or to pay his Part of the Cost and Charge thereof, the rest of the Partners, being the major Part of the Interested, may direct and cause the same to be done, and shall be reimbursed and paid such Sum or Sums as they or any of them shall advance and disburse thereon, over and above their own respective Shares and Proportion, with Interest for the same in the Interim, out of the said Mill or Mills, or the Profits or Earnings thereof. And it shall and may be lawful for them, and they are hereby impowred to demand, sue for, recover and receive the same accordingly: Any Law, Usage or Custom to the contrary notwithstanding.

Advance for any Partner how to be secured.

Toll.

**And be it further enacted by the Authority aforesaid,** That every Miller shall be provided of Scales and Weights to weigh Corn to and from the Mill, if desired: And the Toll for grinding all sorts of Grain, shall be one sixteenth Part, and no more: Any Law, Usage or Custom to the contrary notwithstanding.

Saving.

*Provided,* That nothing herein contained shall be construed to annul or make void any particular Contract or Contracts made or to be made, respecting the Repairs of any Mill or Mills.

An

# An Act,

Passed by the Great and General Court or Assembly of HerMajesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and held at *Boston*, upon Wednesday the twenty-fifth Day of *May*, 1709. And continued by several Prorogations untoWednesday the twenty-sixth of *October* following; and then met.

## CHAP. II.

## An Act for Regulating of Drains, and common Shores.

*FOR preventing of Inconveniencies and Damages by frequent breaking up the High Ways, Streets, and Lanes in Towns, for the laying and repairing of Drains, or common Shores, and of Differences arising among Partners in such Drains, or common Shores, above their Proportion of the Charge for making or repairing the same:* Preamble.

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That from and after the twenty-fifth Day of *March* in the Year of our Lord, One Thousand seven Hundred and ten, no Person may presume to dig or break up the Ground, in any High Way, Street or Lane, within any Town, for the laying, repairing or amending of any Drain, or common Shore, without the Approbation and Consent of the Select-Men, signified in writing under the Hand of the Town-Clerk, on Pain of forfeiting *twenty Shillings*, to the Use of the Poor of such Town, to be levied by Warrant from any one of Her Majesty's Justices of the Peace; and to make good all Damages occasioned by such Breach. Penalty for digging or breaking up the Ground in any High-Way, Street, &c. without Approbation.

And be it further enacted, That all Drains and common Shores for the draining of Cellars hereafter to be made or repaired in any Streets or High-Ways, shall be substantially done with Brick or Stone, in such Manner as the Select-Men of the Town shall direct. Drains and common Shores to be regulated by theSelectmen.

And that it shall and may be lawful to and for any one or more of the Inhabitants of any Town, at his or their own Cost and Charge, to make and lay a common Shore or main Drain for the Benefit of themselves and others, that shall think fit to join therein. And every Person that shall afterwards enter his or her particular Drain into such common Shore, or main Drain; or by any more remote Means receive Benefit thereby, for the draining of their Cellars or Lands; shall be obliged to pay unto the Owner or Owners of such common Shore, or main Drain, a proportionable Part of the Charge of making or repairing the same; or so much thereof as shall be below the Place where any particular Drain joins or enters thereinto; at the Judgment of the Select-Men of the Town, or major Part of them. Liberty to lay a Main Drain or common Shore. Persons receiving Benefit thereby, to pay towards the Charge; at the Judgment of the Select-men.

*Saving* a Right of Appeal to the Court of General Sessions of the Peace, to the Party aggrieved at any such Determination. Appeal.

*Provided*, This Act shall not extend to the altering of any particular Agreement or Contract, made betwixt Persons Interested in any Drain or common Shore. Contracts saved.

# An Act,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and held at *Boston* upon Wednesday the twenty-fifth Day of *May*, 1709. And continued by several Prorogations unto Wednesday the first of *February* following; and then met.

## CHAP. III.

## An Act to prevent Nusances by Hedges, Wears, and other Incumbrances, obstructing the Passage of Fish in Rivers.

4 *W.* & *M.* ca. 9.

Obstruction of the Course of Fish in Rivers, by Wears, &c. a common Nusance.

BE it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That no Wears, Hedges, Fish-garths, Stakes, Kiddles, or other Disturbance or Incumbrance, shall be set, erected or made, on or a-cross any River, to the stopping, obstructing or straitning of the natural or usual Course and Passage of Fish in their Seasons, or Spring of the Year, without the Approbation and Allowance first had and obtained from the General Sessions of the Peace in the same County: who are hereby authorized and impowred, on Application made to them at their Sessions, to grant Liberty for the same; or to deny it, as they shall see it to be either a publick Good or Damage; and so yearly from Time to Time, to be allowed or disallowed, as they shall direct.

None to be levied or set up, without Allowance of the Court of General Sessions of the Peace.

And that all Wears, Hedges, Fish-garths, Stakes, Kiddles, or other Incumbrance whatsoever, set up and made, or hereafter to be levied, set up or made in, on, or a-cross any River, to the straitning, obstructing and stopping the natural, common or usual Passage of Fish, in the Spring or proper Seasons of the Year, without Approbation or Allowance first had and obtained for the same, in manner as in and by this Act is directed; are declared to be a common Nusance, and shall be demolished and pulled down; not to be again repaired or amended. And that on Complaint made to the General Sessions of the Peace, or to any two Justices of the Peace *Quorum Unus*, in their respective Counties; a Writ shall be granted to the Sheriff or Constable of the Town where the Nusance is done, to cause the Party or Parties complained of, to be examined; and upon Conviction to remove the same; and to command suitable Assistance therefor, at the Cost and Charge of the Person or Persons so offending.

Proviso.

*Provided*, That nothing herein contained shall be construed to extend to the pulling down or demolishing of any Mill Dam already made, or that shall hereafter be lawfully and orderly made.

# Acts and Laws,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the thirty-first Day of *May*, 1710.

## CHAP. I.

## An Act for the better Regulating the Ferry over *Charles-River*, betwixt *Boston* and *Charlestown*.

Preamble.

6 *W.* & *M.* ca. 6. and References.

*WHEREAS several Petitions have been humbly offered to this Court from* Charlestown, Cambridge *and* Woburn; *signed by many of the Inhabitants of the said Towns; and of divers others, Inhabitants of the adjacent Towns within the County of* Middlesex, *complaining of great Remissness and Neglect of due Attendance of the said Ferry, to the very great Detriment*

*Detriment of the Province; and having thereupon been attended by the Treasurer of the College (the Profits and Revenues of the said Ferry being granted to* Harvard *College in* Cambridge*) and seen the Lease by him made of the said Ferry for several Years yet to come.*

*For Redress of the Grievances complained of; and to the intent the said Ferry may be accommodated for the Good and Service of the Province, and of Her Majesty's Subjects within the same, much increased over what they were at the first settling of the Ferry, now become a great Passage for Transportation: which that it may be done with the more Ease and Speed, the said Lease or Leases notwithstanding:*

Three Boats to attend the Ferry.

BE it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That henceforth there be three sufficient suitable Boats and Appurtenances, with able, sober Persons to row in them, kept for the Transportation of Persons and Horses over the said Ferry: One of which in Turns to be always passing on the Water from Side to Side, in all proper Seasons when Boats may safely pass; not being obstructed by Ice, or extraordinay stormy Weather: And as any one of the said Boats shall Land on either Shore, the other Boat on the same Side to put off immediately: The three Boats to continue plying from Side to Side with all Industry and Diligence daily (except on the Lord's Day, and then to pass no oftner than Necessity shall require) from Sun rise, until nine of the Clock at Night, from the first of *April* until the first of *October*: and until eight at Night from the first of *October* to the first of *April* annually. And after those Hours, upon any necessary Occasion; and to be paid *one Shilling*, if it be one single Person; and if more, then double Ferrage for the whole Number, over and above *one Shilling* among all the Passengers, in equal Proportion. And that the Boats be lodged on that Side every Night where they are owned.

11 *G.* ca. 4. Four Boats.

Boats to continue passing from & until the several Hours, at Morning and Night.

Seperate Interest.

The said three Boats to be three several seperate Interests, not all of one Town.

Constant and diligent Attendance required.

And the Ferry-Men employed in the said Boats respectively, shall give constant and diligent Attendance; and not deny or delay the speedy carrying over any Passenger or Passengers, according to the true Intent and Meaning of this and the former Laws relating to the said Ferry; under the Penalty therein provided.

*And for preventing of Abuses oft-times offered to Ferry-men, by cheating them of their Ferrage; or putting them to make unreasonable Exchange:*

Ferrage to be paid before Landing.

Unreasonable Exchange not to be required.

BE it enacted by the Authority aforesaid, That it shall and may be lawful to and for the Fery-men, to demand and receive Pay of all Passengers before they set them on Shore: And that the Ferry-men shall not be required or obliged to exchange for above the Value of *three Shillings and six Pence*, where the Ferrage does not exceed that Sum.

## CHAP. II.

## An Act in Addition to, and for Explanation of the Act for the Settling and Distribution of the Estates of Intestates.

4 *W. & M.* ca. 2.

BE it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That, if after the Death of a Father, any of his Children shall die Intestate, without Wife or Children, in the Life-time of the Mother, every Brother and Sister and the Representatives of them, shall have an equal Share with her in the Estate of the Intestate: Any Thing in the aforesaid Act for the Settling and Distribution of the Estates of Intestates to the contrary thereof in any wise, notwithstanding.

Brothers and Sisters of any Person deceased Intestate without Wife or Children to be Sharers with the Mother.

And be it further enacted by the Authority aforesaid, That every Judge of Probate in making up and passing the Accounts of Administration of the Estates of Persons deceased, be, and is hereby directed to have Consideration, and make Allowance of necessary Bedding, Utensils and Implements of Houshold, necessary

Allowance to Widows.

necessary for the upholding of Life, to the Use of the Wife and Family of the Deceased; where Provision is not made for the Wife in that Respect by Will. And such necessary Bedding, Utensils and Implements of Houshold, shall not be accounted Assets in the Hands of the Executor or Administrator, nor subject to the Payment of Debts, altho' the Estate prove Insolvent: as they could not have been levied or distrained for Debt in the Parties Life-time: Any Law, Usage or Custom to the contrary notwithstanding.

## CHAP. III.

10 *W.* ca. 2.

## An Act relating to Searchers and Sealers of Leather, and Clerks of the Market.

Preamble.

WHEREAS *there are several Town Officers of whom an Oath is by Law required, but no Penalty provided upon their Refusal:*

Searchers and Sealers of Leather; and Clerks of the Market, Penalty for refusing to serve.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That if any Person chosen to the Office of a Searcher and Sealer of Leather; or Clerk of the Market in any Town, shall refuse to take the Oath respectively required by Law for executing of such Office; without reasonable Excuse made, and accepted by the Justices of the Court of General Sessions of the Peace within the same County, for his not serving; shall pay *forty Shillings* Fine, to the Use of the Poor of such Town: Any Law, Usage or Custom to the contrary notwithstanding.

## CHAP. IV.

4 *A.* ca. 4.

## An Act in Addition to an Act to prevent Fraud in Cord Wood, &c.

Select-Men to appoint the Fee of Wood Corders.

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Select-Men in every Town (where Corders of Wood are chosen) shall from Time to Time, as there shall be Occasion, appoint the Fees for cording Wood: Any Law, Usage or Custom to the contrary notwithstanding.

## CHAP V.

## An Act directing the levying and collecting of County and Town Assessments.

4 *W.* & *M.* ca. 13.

WHEREAS *the Act Intitled, An Act for regulating of Townships, choice of Town Officers, and setting forth their Power; made and passed in the fourth Year of the Reign of King* William *and Queen* Mary; *directs and restrains the collecting and gathering of all Rates and Assessments, for County and Town Charges respectively, to the Constables of the Towns wherein they are levied; which in some Towns is attended with several Inconveniencies:*

For Remedy whereof:

Towns and Precincts allowed to choose Collectors.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That it shall and may be lawful to and for the Freeholders and Inhabitants of each Town, District or Precinct within this Province, orderly set off and established annually from Time to Time, to elect and appoint a Collector or Collectors distinct from the Constable or Constables, for the gathering of all Rates and Assessments, from Time to Time duly assessed and levied within such Town

or

or District, to and for County Charges; and to all Charges of every Kind whatsoever, enumerated in the aforesaid Act of Townships, arising within the same Town, District or Precinct, for any Use or Uses, Services, Dues or Payments, there to be made and done.

No County or Town Rates to be gathered, but by a Constable or Collector.

And all such Rates or Assessments, shall be demanded, paid to and received by a Constable or Collector to whom the same shall be committed to gather, with a Warrant from the Select-Men or Assessors under their Hands, in Form as by Law prescribed; and by no other Person or Persons: Any Law, Usage or Custom to the contrary in any wise notwithstanding.

Collectors and Constables to make Payment, as directed.

And every Collector or Constable to whom any such Rates or Assessments shall be committed, with a Warrant as aforesaid, shall levy, gather and receive the same, according to the Direction in the Warrant to him given; and shall Account for all his Receipts, and make Payment of what and so much as he shall levy and gather of the several Rates and Assessments, committed to him as aforesaid, to the County or Town Treasurers respectively; or other Receiver as by his Warrant he shall be required, in Manner and Time as is by Law provided; and be subject to the Pains and Penalties therein contained, in Case of Neglect either of collecting or paying.

County Treasurer's Power. His Accounts to be laid before the General Assembly in *May* Session annually.

**Be it enacted by the Authority aforesaid,** That the Treasurer of each County respectively, be impowred to draw in and inforce the Payment of all County Charges, ordered by the Court of General Sessions of the Peace, by all such Rules and Methods prescribed by Law to enable the Treasurer and Receiver-General to gather in the Province Taxes; and shall from Time to Time lay before the General Assembly at their anniversary Session in *May*, an Account of all Money that has been raised in his respective County; or by any Means received by him as County Treasurer the Year past; what each Town paid towards it, and how the same has been employed or disposed of. And no further Assessment shall be levied, until the said Account has been offered to the General Court, as aforesaid, and allowed by them.

## CHAP. VI.

## An Act for the Admeasurement of Boards, Plank and Timber; and Regulating the Tale of Shingles.

Preamble.

*WHEREAS Boards, Plank and Timber, are usually Sold by the Measure set upon them at the Mills where they are Sawn; and Bundles of Shingles are mark'd for a greater Number than what they contain; wherein great Fraud and Deceit is too often practised by ill minded Persons:*

For Prevention whereof:

Surveyors and Measurers of Boards &c. to be annually elected in Maritime Towns.

**Be it enacted by his Excellency the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same,** That in each Maritime Town within this Province, where Boards, Plank, Timber and Slit-Work are usually imported, or brought for Sale, or exported beyond Sea; there be two or more honest skilful Persons, annually elected by such Town, at the Time of their anniversary Choice of Town Officers; to be Surveyers and Measurers of Boards, Plank, Timber and Slit-Work, and Surveyers of Shingles; who shall be sworn in Manner as other Town-Officers, to the faithful Performance of the Duty of their Office.

All Boards &c. to be viewed before Sale.

And all Boards, Plank, Timber or Slit-Work, imported or brought for Sale; before their Delivery upon Sale, shall be viewed, surveyed, and also measured by one of the said Officers, where he shall have any doubt of the Measure; having Consideration for drying and shrinking: also shall mark a-new all such to the just Contents; making reasonable Allowance for Rots, Splits and Wains.

Fee for viewing and measuring.

The Buyer to pay the Officer *six-Pence per* Thousand Feet for viewing only, and *six-Pence per* Thousand Feet more for measuring and marking; and *pro rato* for a lesser Quantity than a Thousand Feet.

And,

No Boards &c. to be exported before viewing.

And no Boards, Plank, Timber or Slit-Work, ſhall be delivered upon Sale, or ſhipped for Exportation beyond Sea, before they have been viewed and ſurveyed, and alſo meaſured (if Occaſion be) and marked a-new by one of the Officers thereto appointed; on pain of being forfeited, or the Value thereof, by the ſeller or ſhipper; to the Uſe of the Poor of the Town where they are ſold or ſhipped.

Shingles not holding out in Number to be forfeited.

**And be it further enacted**, That all Shingles expoſed to Sale by Quantities in Bundles, that do not hold out the Number they are mark'd for; unleſs it appear ſome have deen drawn or ſhaken out of the Bundle after packing; ſhall be forfeited to the Uſe of the Poor of the Town where they are expoſed; the Charge of ſearching and telling of them, to be paid thereout.

7 *W.* ca. 7.

That every Bundle of Shingles that, according to the ſound Judgment of the Surveyor, will hold out one with another, four and half Inches in Breadth ſhall be accounted Merchantable; provided they are fifteen or eighteen Inches in Length, according to whichLength they are ſold for; and the leaſt to be three Inches in Breadth and upwards, and one third of an Inch or upwards in thickneſs; and all that are otherwiſe, to be culled out and burnt, and ſo many more, if need be, till what are left of the ſaidBundle will bear the four and half Inches, according to the Judgment of the Surveyor; who ſhall have for his Service *one Penny* for every Thouſand ſurveyed; and *one Penny* more per Thouſand for telling; to be paid by the Buyer, where no Forfeiture is for want of Tale to ſatisfy the Charge; and for every Thouſand he culls and binds up again, *twelve Pence* per Thouſand, and proportionable for leſſer Quantity; to be paid by the Owner or Seller of the ſaid Shingles, returning the Remainder to the Owner, if any be, after the Charges are paid: Any Law, Uſage or Cuſtom to the contrary notwithſtanding

Dimenſions of Merchantable Shingles.

Fee for ſurveying and telling.

## CHAP. VII.

## An Act for explaining and enlarging of the Act for Prevention of common Nuſances ariſing by Slaughter-Houſes, Still-Houſes, &c. Tallow-Chandlers and Curriers.

Preamble.

WHEREAS *in and by the Act Intituled*, An Act for Prevention of common Nuſances ariſing by Slaughter-Houſes, Still-Houſes, *&c.* Tallow-Chandlers and Curriers; *made and paſſed in the fourth Year of the Reign of their late Majeſties King* William *and Queen* Mary: **It is enacted**, "That "the Select-Men of the Towns of *Boſton*, *Salem* and *Charleſtown* reſpectively, "or other Market Towns within the Province, with two or more Juſtices of Peace "dwelling in the Town; or two of the next Juſtices in the County. ſhall, at "or before the laſt Day of *March*, One Thouſand ſix hundred ninety three, "aſſign ſome certain Places in each of the ſaid Towns (where it may be leaſt "offenſive) for the erecting and ſetting up Slaughter-Houſes, for the killing of "all Meat, Still-Houſes, and Houſes for trying of Tallow, and currying of "Leather: At which Houſes and Places reſpectively and no other, all Butchers "and Slaughter-Men, Diſtillers, Chandlers and Curriers ſhall exerciſe and practice "their reſpective Trades and Myſteries.

4 *W.* & *M.* ca. 13.

*But for as much as by Reaſon of the growth and increaſe of the ſaid Towns, ſeveral of the Houſes and Places then ſo aſſign'd, are become inconvenient for the Uſe intended, offenſive, and by ill Stenches tend to breed Infection. And the ſaid Act directing to that Time only for the aſſigning of Places for thoſe Uſes, and not looking forward:*

Places to be aſſign'd for Slaughtering Meat, &c.

**Be it enacted by his Excellency the Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,** That it ſhall and may be lawful to and for the Select-Men of each of the Towns aforeſaid reſpectively, with two Juſtices as aforeſaid, Inhabitants of the Town, (if ſuch there be) from Time to Time as Occaſion ſhall be, to aſſign and appoint ſuitable

ſuitable Places, where it may by leaſt offenſive, for the exerciſing of any of the aforeſaid Trades or Myſteries, of killing Meat, diſtilling of Spirits, trying of Tallow, or currying of Leather; and to forbid and reſtrain the Exerciſe of either of them in other Places, not ſo approved and allowed of.

Places aſſign'd becoming offenſive to be altered upon Inquiry by a Jury.

And be it further enacted by the Authority aforeſaid, That when and ſo often from Time to Time, as it ſhall appear any Houſe or Place aſſigned, or to be aſſigned to and for the exerciſing of either of the aforeſaid Trades or Myſteries, to become a Nuſance by Reaſon of offenſive and ill Stenches proceeding from the ſame, or otherwiſe hurtful to the Neighbourhood; it ſhall and may be lawful to and for the Court of General Seſſions of the Peace within the County, to cauſe Inquiry to be made thereinto by a Jury, and to ſuppreſs ſuch Nuſance, by prohibiting and reſtraining the further Uſe thereof, for the Exerciſe of either of the aforeſaid Trades or Myſteries; under a Fine not exceeding *forty Shillings* per Month, to be to the Uſe of the Poor of ſuch Town, or otherwiſe as in their Diſcretion they ſhall think fit, by cauſing the ſaid Nuſance to be removed or prevented; or any other Nuſance to be inquired of in Manner aforeſaid.

Penalty for uſing them or making any other Nuſances.

Conviction of Slaughter Houſes.

And be it further enacted, That the Proof of any dead Beaſt or Beaſts hanging up in any Out-Houſe; or the lying, or carrying out the Intrails, Garbage of Beaſts, or Blood of Creatures in or out of ſuch Houſe, ſhall be ſufficient Conviction in Law, that ſuch Houſe is uſed for a Slaughter-Houſe, within the Intent of the Law againſt common Nuſances.

# An Act,

Paſſed by the Great and General Court or Aſſembly of Her Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and Held at *Boſton*, upon Wedneſday the thirtieth Day of *May*, 1711.

## CHAP. I.

## An Act for ſuppreſſing of Robberies and Aſſaults.

4 *W. & M.* ca. 6.
3 *G.* ca. 3.

*TO the Intent Her Majeſty's Leige People may be in Peace and out of Fear of being aſſaulted and robbed by ill-minded wicked Ruffians, as they are travelling the common Roads or High-Ways; or of being inſulted, and indecently treated or abuſed as they are civilly walking and recreating themſelves in the Fields, Streets, or Lanes in Towns:*

Preamble.

Be it enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That every Perſon and Perſons that ſhall be convicted of aſſaulting and robbing, and taking away from the Perſon of another travelling the common Road or High-Way, any Money, Goods, Cloathing, or other Things whatſoever; ſhall be puniſhed with burning in the Forehead or Hand, ſuffer ſix Months Impriſonment, and render treble Damages to the Party robbed.

Robbing on the High-way.

And upon a ſecond Conviction of the like Offence, ſhall be deemed a Felon, and ſuffer the Pains of Death, as in Caſes of Felony.

Second Conviction.

And be it further enacted by the Authority aforeſaid, That whoſoever ſhall be convicted of aſſaulting, or offering any Inſolence or Violence to any Woman or Man-Kind, in the Fields, Streets or Lanes in any Town; or of deſpoiling them, damnify or defacing any of their Attire or Ornaments, or attempting the ſame; ſhall be puniſhed by being publickly whiped, not exceeding ten Stripes; or by being committed to the Houſe of Correction, to receive the Diſcipline of the Houſe; and continue there by the ſpace of thirty Days, and kept according to the Rules and Orders of the Houſe; and alſo find Sureties for the good Behaviour, before he be diſcharged. And any two Juſtices of the Peace *Quorum Unus*, in the vacancy of the Court of General Seſſions of the Peace, are impowered to hear and determine this Offence.

Aſſaulting of Women.

Second Conviction. And if the Party so offending, shall afterwards be convicted of committing the like Offence a second Time, he shall be further punished with burning in the Hand; by Sentence of the Court of General Sessions of the Peace.

Parties Oath. **And it is further enacted**, That in either of the Offences aforesaid, the Oath of the Party assaulted or robbed, being of Reputation, shall be received as one sufficient Evidence towards convicting the Person charged.

## An Act,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and held at *Boston* upon Wednesday the thirtieth Day of *May*, 1711. And continued by several Prorogations and Adjournments unto Wednesday the seventeenth of *October* following, and then met.

### CHAP. II.

12 *W.* ca. 3. ## An Act providing in Case of Fire, for the more speedy Extinguishment thereof; and for the preserving of Goods endangered thereby.

Preamble. *WHEREAS by Reason of the contiguity and adjoining of the Houses and Dwellings within the Town of* Boston, *Persons are under great Affrightment and Hurry, upon the breaking out of Fire; and not only the Person in whose House the Fire first breaks out, but the Neighbourhood are concerned to employ their utmost Diligence and Application to extinguish the Fire, and prevent the Progress thereof, and to preserve their Substance, by the removal of their Goods; being glad of the Assistance of others in that Regard: And divers evil-minded and wicked Persons, on Pretence of charitably offering their Help, taking Advantage of such Confusion and Calamities to rob, plunder, embezel, convey away, and conceal the Goods and Effects of their distressed Neighbours:*

For preventing whereof:

Fire-wards. **Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same.** That it shall and may be lawful to and for the Justices of the Peace and Select-Men of the Town of *Boston*, from Time to Time, to appoint

Badge of their Office. such Number of prudent Persons of known Fidelity, not exceeding ten, in the several Parts of the Town, as they may think fit; who shall be denominated and called *Fire-wards*; and have a proper Badge assigned to distinguish them in their Office, *viz.* A Staff of five Feet in Length, coloured red; and headed

Power. with a bright brass Spire of six Inches long: And at Times of the breaking forth of Fire, and during the Continuance thereof, shall, and hereby are fully authorized and impowred, to command and require Assistance for the extin-

Pulling down or blowing up Houses. guishing and putting out the Fire; and for removing of Houshold Stuff and Furniture, Goods and Merchandizes, out of any Dwelling-Houses, Store-Houses, or other Buildings actually on Fire, or in Danger thereof; and Guards to

4 *W.* & *M.* ca. 1. secure, and take Care of the same: As also to require Assistance for the pulling down or blowing up of any Houses, or any other Service relating thereto; by the Direction of two or three of the chief Civil or Military Officers of the Town (as is by Law provided) to stop and prevent the further spreading of the Fire: And to suppress all Tumults and Disorder.

Assistance to be given them. And the Officers from Time of Time appointed as aforesaid, are required upon the Notice of Fire breaking forth, taking their Badge with them, immediately to repair to the Place, and vigorously to exert their Authority for the requiring of Assistance, and using utmost Endeavours to extinguish or prevent the

the ſpreading of the Fire; and to preſerve and ſecure the Eſtate of the Inhabitants. And due Obedience is required to be yielded to them, and each of them accordingly for that Service.

Penalty for neglect.

And all Diſobedience, Neglect or Refuſal in any, ſhall be informed of to ſome of Her Majeſty's Juſtices of the Peace within two Days next after; and the Offenders therein, upon Conviction thereof, before any two Juſtices *Quorum Unus*, ſhall forfeit and pay the Sum of *forty Shillings* each; to be levied and diſtributed by the Diſcretion of the Select-Men, amongſt the Poor moſt diſtreſſed by the Fire: And in Caſe the Offender or Offenders are unable to ſatisfy the Fine, then to ſuffer ten Days Impriſonment.

Penalty on ſuch as ſhall conceal rob, or embezel Goods ſav out of the Fire.

And be it further enacted by the Authority aforeſaid, That if any evil minded wicked Perſons ſhall take Advantage of ſuch Calamity, to rob, plunder, purloin, imbezel, convey away, or conceal any Goods, Merchandiſes or Effects of the diſtreſſed Inhabitants whoſe Houſes are on Fire, or endangered thereby and put upon removing their Goods; and ſhall not reſtore and give Notice thereof to the Owner or Owners, if known; or bring them into ſuch publick Place as ſhall be appointed and aſſigned by the Governour and Council, within the Space of two Days next after Proclamation made for that Purpoſe; the Perſon or Perſons ſo offending, and being thereof convicted, ſhall be deemed Thieves: and ſuffer the utmoſt Severities of the Pains and Penalties by Law provided againſt ſuch.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of Her Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and Held at *Boſton*, upon Wedneſday the thirtieth Day of *May*, 1711. And continued by ſeveral Prorogations and Adjournments unto Wedneſday the twelve of *March* following, and then met.

## CHAP. I.

## An Act againſt Intemperance, Immorality and Prophaneneſs, and for Reformation of Manners.

Preamble.

*WHEREAS the Laws at ſeveral Times eſtabliſhed by the Government of this Her Majeſty's Province of the* Maſſachuſetts-Bay, *and now in Force, have made good and wholſome Proviſion for the Regulation of Inns, Taverns, Ale-Houſes, Victuallers, and other Houſes for common Entertainment, and Retailers of ſtrong Liquors out of Doors; and for preventing of Tipling and Drunkenneſs; declaring, that ſuch licenſed Houſes ought to be improved to the right Ends and Uſes for which they are deſigned;* namely, *For the Receiving, Refreſhment and Entertainment of Travellers and Strangers; and to ſerve the publick Occaſions of the Towns, and Place in which they are; and not to be Nurſeries of Vice and Debauchery, as is too frequently practiſed by ſome, to the Hurt of many Perſons, by miſpending their Time, and Money, in ſuch Houſes, to the Ruin of Families:*

4 *W.* & *M.* ca. 6. 7 *W.* ca. 2. & 10. 10 *W.* ca. 8. 4 *W.* & *M.* ca. 6. & 7. 5 *W.* & *M.* ca. 4. 10 *W.* ca. 8.

*And have alſo made good and wholſome Proviſion againſt Immoralities, Vice and Prophaneneſs:*

Laws to be read in the Town Meeting.

Be it therefore enacted and declared by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That the Laws againſt Drunkenneſs, Prophaneneſs, and other Immoralities, together with this Act, be ſolemnly read by the Town-Clerk, in each Town, at their Anniverſary Town Meeting in *March*, from Time to Time.

Direction to see that the Laws be observed.

And all Justices, Sheriffs, Grand-Jurors, Tything-Men, Constables, or other Officers whom it doth concern, are hereby strictly enjoined and required to exert their utmost Zeal and Vigour in seeing that the said several Laws be duly observed and kept: And that the Violators thereof be duly prosecuted and punished in Manner as by the said Laws is directed and provided: And the Select-Men and other principal well disposed Persons in each Town, desirous of a Reformation, are hereby exhorted and directed to countenance, accompany, assist and join with the Justices, Sheriffs, Tything-Men, Constables, and other Officers, in their Endeavours to discover and suppress all unlicensed Houses, and Vice Immorality and Prophaneſs.

*And for reclaiming the over great Number of licensed Houses, many of which are chiefly used for Revelling and Tipling; and become Nurseries of Intemperance and Debauchery, indulged by the Masters or Keepers of the same, for the sake of Gain:*

A List of the Names of Persons licensed to be transmitted to the Select-men.

**Be it enacted by the Authority aforesaid,** That the Clerk of the Peace in the respective Counties from Time to Time, annually, before the granting of Licences, do transmit to the Select-Men of every Town within the County, a List of the Names of the Persons in such Town, that were licensed the Year before; and that Licences be renewed to none of them that the Select-Men shall except to as unfit to hold and exercise such an Employment by Reason of their not keeping good Rule and Order in their Houses; not being suitably accommodated and provided, for the Entertainment of Strangers and Travellers, as the Law directs; or not of sober Conversation.

None to be firstly licensed but upon the Recommendation of the Select-men.

And no Person shall have his Licence renewed, until he produces a Certificate to the Justices of Quarter Sessions, that such List has been transmitted to the Select-Men, and considered by them.

And that no Time or Times hereafter, any Person or Persons, shall be firstly or originally licensed to be a Victualler, Innholder, Taverner or Seller of Wine, Beer, Ale, Cyder or strong Drink or Spirits, by Retail; other than such who shall produce Certificate from the Select-Men of the Town where they dwell, recommending them to be Persons of sober Conversation, suitably qualified and provided for the Exercise of such an Employment. And that no Licence be renewed from Time to Time, to any Person hereto-fore licensed against whom any Presentment, Complaint or Information shall be made, for Misrule or Disorder in such House; or for not being suiably provided, as the Law in such Case requires, to entertain Strangers and Travellers at Bed and Board; before the Matter informed and complained of be inquired into and judged of. Provided such Presentment or Complaint be prosecuted to Effect, in the same Court for granting of Licences.

Licences not to be renew'd until Complaints be heard and judged of.

Licens'd Persons not suitably provided, to be depriv'd.

And if any common Victualler, Innholder or Taverner enjoined by Law to be suitably provided to receive and entertain Strangers, Travellers, or others, as Occasion may require, shall be convicted of refusing to make suitable Provision, when desired, for the receiving of Strangers, Travellers, and their Horses; or for any publick Entertainment; such Person shall be deprived of his Licence. And any three or more of the Justices of the Court of General Sessions of the Peace, *Quorum Unus*, are hereby impowred and directed, by Warrant under their Hands and Seals, directed to the Sheriff or his Deputy, to cause his Sign to be taken down.

Town Dwellers prohibited drinking in publick Houses after nine at Night.

**And be it further enacted by the Authority aforesaid,** That no Town Dweller or Inhabitant in any Town, shall upon any Pretence whatsoever be drinking or tipling in any Tavern, or other publick licenced House, or in any of the Dependencies thereof, after nine a Clock in the Night; under the Penalty of *twenty Shillings*; to be paid by the Master or Keeper of such House, for his entertaining of them; and *one Shilling* to be paid by each Person so offending.

Singing, Musick and dancing forbidden in publick Houses.

That no singing, fidling, piping, or any other Musick, dancing, or revelling shall be suffered or exercised, in any Tavern, or other publick licenced House; on Penalty of *ten Shillings*; to be paid by the Master or Keeper of the said House, as shall suffer the same; and *five Shillings* by each Person offending in any of the said Particulars.

That

That there be two Tything-Men annually chosen within each Military Division within the Town of *Boston*; whose particular and especial Care and Charge it shall be to inspect that their Part of the Town.

Common Drunkards to be posted up at Retailers.

That common Drunkards be posted up at the Houses of Retailers of Wine and Liquors out of Doors, as the Law directs to publick licensed Houses; with a Prohibition to them of selling Drink to any such.

Penalty for selling without Licence.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall presume to keep a Tavern, Inn, or House of common Entertainment, or to sell by retail Wine, Beer, Ale, Cyder, or any strong Drink or Spirits, without Licence first orderly had and obtained for the same, as the Law directs; such Person or Persons upon Conviction, or Confession thereof before one or more of Her Majesty's Justices of the Peace, shall forfeit and pay the Sum of *six Pounds*, for every such Offence; the one Moiety thereof to be to the Informer, and the other Moiety to the Use of the Poor of the Town, where the Offence shall be committed.

*And for the better Discovery and finding out Persons that shall presume to transgress against this Act, or any other of the Laws made against Vice, Prophaneness and Immorality:*

Select-Men to appoint Persons to be Informers.

The Select-Men in each respective Town, be, and are hereby impowred from Time to Time to chuse and appoint one or more discreet Persons to over-see and inform of any Breach of the said Laws; who shall have a meet and honourable Recompence made them for their Service, out of the Town Treasury, as the Select Men shall think proper and suitable.

Rout or Disturbance in the Street in the Night time.

And be it further enacted, That no Person or Persons either singly or together in Company shall presume to sing, dance, fidle, pipe, or use any musical Instruments in any of the Streets, Lanes, or Alleys, within any Town in the Night Time; or make any Rout, or other Disturbance, to the Disquiet and Disrest of any of the Inhabitants; under the Penalty of *Five Shillings*, for every Person so offending in any of the Particulars afore-mentioned; or being corporally punished by Imprisonment, sitting in the Stocks, or Cage.

*And for the more religious Observation of the Lord's Day:*

Playing and Rudeness on the Evening following the Lord's Day forbidden.

Be it enacted, That all Persons who shall be found in the Streets, Wharffs, Fields, or other Places within any Town, on the Evening following the Lord's Day, disporting, playing, making a Disturbance, or committing any Rudeness: The Persons so offending, shall each of them pay a Fine of *five Shillings*, or suffer twelve Hours Imprisonment, or sit in the Stocks, not exceeding two Hours. All Fines and Forfeitures arising by Virtue of this Act, or any Paragraph thereof, and not herein before disposed of, shall be to and for the Use of the Poor of the Town where the Offence shall be committed: any Law, Usage or Custom to the contrary notwithstanding.

Constables required to prevent Prophanation of the Lord's Day in the Time of publick Worship.

And the Constables of the respective Towns are hereby directed and specially impowred, to prevent the Prophanation of the Lord's Day, by restraining Persons from walking, recreating and disporting themselves in the Streets, Wharffs, or Fields, in the Time of publick Worship.

*And forasmuch as the well educating and instructing of Children and Youth in Families and Schools, are a necessary Means to propagate Religion, and good Manners; and the Conversation and Example of Heads of Families, and Schools, having great Influence on those under their Care and Government to an Imitation thereof:*

Keepers of Schools to have the Approbation of the Select-Men.

Be it enacted by the Authority aforesaid, That no Person or Persons shall or may presume to set up or keep a School for the teaching and instructing of Children or Youth in reading, writing, or any other Science, but such as are of sober and good Conversation; and have the Allowance and Approbation of the Select-Men of the Town in which any such School is to be kept; Grammar School Masters to have Approbation, as the Law in such Case already provides.

And

Penalty for setting up or keeping School without Approbation.

And if any Person or Persons after Publication of this Act, shall be so hardy, as to set up, or continue to keep any such School without Allowance and Approbation as aforesaid, the Person or Persons so offending, shall forfeit and pay the Sum of *forty Shillings*; to the Use of the Poor of the Town where such School shall be set up, or continue to be kept, contrary to this Act; and so *toties Quoties*, as often as they shall be convicted: Any Law, Usage or Custom to the contrary notwithstanding.

*And whereas evil Communication, wicked, prophane, impure, filthy and obscene Songs, Compositions, Writings or Prints, do corrupt the Mind; and are Incentives to all Manner of Impieties and Debaucheries: More especially when digested, composed or uttered in Imitation of Mockery of Devotion, or religious Exercises:*

Penalty for composing or publishing of prophane Songs, or mock Sermons

Be it further enacted by the Authority aforesaid, That whosoever shall be convicted of composing, writing, printing or publishing, of any filthy obscene or prophane Song, Pamphlet, Libel or Mock-Sermon, in Imitation or in mimicking of Preaching, or any other Part of divine Worship; every Person or Persons offending in any of the Particulars aforementioned, shall be punished by Fine to her Majesty, not exceeding *twenty Pounds*, ; or by standing on the Pillory once or oftner, with an Inscription of his Crime in Capital Letters affixed over his Head; according to the Discretion of the Justices in Quarter-Sessions.

## CHAP. II.

## An Act for Regulating the Size of Bricks.

Preamble.

*UPON Consideration of the great Quantities of Bricks now to be used for Building; and that the Firmness of Building very much depends on the Goodness of the Materials:*

Clay to be dug before the 10th of *Decemb.* &c.

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That Clay for the making of Bricks shall be digged before the tenth of *December* yearly; and shall be turned over in the Month of *February* or *March* next ensuing, at least twenty Days before it be wrought; and then well and throughly wrought.

Not to be tempered with brackish Water.

And no Person shall temper his Clay with salt or brackish Water; nor digg any Clay in any Place where the salt Water comes in.

Size of Bricks.

And be it further enacted by the Authority aforesaid, That the Size of Bricks shan't be less than nine Inches long, four Inches and a Quarter of an Inch Broad, and two Inches and an Half Inch thick.

Size of Moulds to be shod with Iron, and sealed.

And all Moulds to be used for the making of Bricks, shall be made agreable to these Sizes: *That is to say*, not less than nine Inches and a Quarter of an Inch long, four Inches a Quarter and a Half Quarter of an Inch broad, and two Inches and Half an Inch deep, within Side; being well shod with Iron, and sealed by the Sealer to be appointed, as is herein after directed: so that the Bricks may hold out the Dimensions prescribed as aforesaid, as near as may be when burned.

Forfeiture of Bricks not made in Moulds as afore directed.

And whosoever shall make and expose to Sale any Bricks not made in Moulds of the aforesaid Sizes, shod with Iron, and sealed by the Sealer; he shall lose and forfeit one Half of all such Bricks made contrary hereto, or the Value thereof; to the Use of the Poor of the Town or District where they shall be made; to be sued for and recovered in any of her Majesty's Courts of Record within the County where they shall be made, by the Treasurer of the Town or Town Clerk.

Select-Men to appoint a Viewer and Sealer. To be sworn.

And the Select-Men of each Town where Bricks are ordinarily made, are hereby directed and ordered, annually to nominate and appoint a suitable Person to be a Viewer and Sealer of Moulds, for the making of Bricks; who shall be Sworn before a Justice of the Peace, to the faithful Execution of his Office.

And

And is hereby impowered from Time to Time, to enter into all Brick-Yards, to view their Moulds, and to see that they be of due Size, well shod with Iron, as aforesaid, and sealed; and if they be under Size, or not well shod, to break the same. His Power.

And every Brick-Maker before the setting of his Kiln, shall call the Viewer to over-see his Bricks, who shall forthwith attend the Service; and be paid by the Brick Maker *two Pence per* Thousand for all Bricks by him viewed; and *one Penny* for each Mould by him sealed; the Select-Men of the Town to provide a Seal: Any Law, Usage or Custom to the contrary notwithstanding. Brick Maker to call the Viewer before sitting. His Fee.

## CHAP. III.

## An Act for further Regulation of the Ferry betwixt *Boston* and *Winisimmit*, within the County of *Suffolk*.

*WHEREAS notwithstanding the Provision made, in and by the Act passed in the eighth Year of the Reign of his late Majesty King* William *the Third, Entitled,* An Act in Addition to the Act for regulating Ferries: *There is still great Complaint of Neglect of a due Attendance of the Ferry from* Boston *to* Winisimmit, *and from thence to* Boston; *to the grievous Delay, Inconvenience and Damage of Travellers, and others constantly resorting thither for Passage: And there being but one Boat on a Side hitherto provided to tend the said Ferry; and the River wide, and the Number of Passengers much increased, by the Growth of the Towns on the Road in which the said Ferry lies:* 6 *W.* & *M.* ca. 6. 8 *W.* ca. 7. 4 *G.* ca. 4.

**Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That for the more speedy Transportation of Passengers, especially Posts, there be from hence-forth at all Time and Times here-after, a third sufficient suitable Boat and Appurtenances, with able, sober Persons to row in her, provided and kept constantly to attend the said Ferry; for the transporting of Passengers, Horses, and other Things over the River; one of the three Boats in Turns to be always passing on the Water, from Side to Side, in all proper Seasons when Boats may safely pass; not being obstructed by Ice, or extraordinary stormy Weather; and as one of the said three Boats shall land on either Shoar, the other Boat on the same Side shall put off Immediately. The three Boats to continue plying from Side to Side, with all Industry and Diligence daily, (except on the Lord's Day, and then to pass no oftner than Necessity shall require) from Sun rise, until nine of the Clock at Night, from the first of *April* until the first of *October*; and until eight at Night, from the first of *October* to the first of *April* annually; and after those Hours upon any necessary Occasion, especially Posts; for which there shall be paid *two Shillings* except Posts, if it be with one Person only, and if more, than double Ferrage for the whole Number, over and above the *two Shillings* among all the Passengers in equal Proportion. And that two Boats be lodged on *Winisimmit* Side every Night, and one on *Boston* Side. And the Ferry-Men employed in the said Boats respectively, are required to give constant and diligent Attendance; and not to deny or delay the speedy carrying over any Passenger or Passengers, especially Posts, according to the true Intent and Meaning of this and the former Laws relating to Ferries; under the Penalty therein provided. Three Boats to be kept. To be constantly plying.

**And be it further enacted by the Authority aforesaid,** That it shall and may be lawful to and for the Ferry-Men to demand and receive pay of all Passengers, except Posts, before they set them on Shoar; and that they shall not be required or obliged to Exchange for above the Value of *three Shillings* and *six Pence*, where the Ferrage does not exceed that Sum. Ferry-men to demand Pay of Passengers before landing.

And that the Town of *Boston*, and the Proprietors of the Farm on *Winisimmit* Side, who claim the Priviledge of the said Ferry, do respectively maintain, and Ways to be kept from the landing Place to the Boat.

from

from Time to Time keep in good Repair sufficient and convenient Ways, for passing to and from the Ferry-Boats from the landing Place on either Side: Any Law, Usage or Custom to the contrary notwithstanding.

## CHAP. IV.

## An Act for further Regulating of the Militia.

5 *W.* & *M.* ca. 7. 11 *W.* ca. 4.

*WHEREAS in the fifth Article of the Act, for regulating of the Militia; among other Things therein mentioned*; "Every listed Soldier and other "House-holder (except Troopers) is to be provided with a good Sword or "Cutlash, under the Penalty in the said Act mentioned: *And whereas it is found by Experience that Bayonets are of more Use, as well for Offence as Defence*:

Soldiers to be provided of Bayonets.

**Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same,** That from and after the twentieth Day of *June* next, every Person in the Town of *Boston*, who is obliged by the aforesaid Act to appear upon an Alarm at the Place of Rendezvous; or where the chief Officer doth appoint, (except Troopers) shall be provided with a good Goosenecked Bayonet with Socket, fit to fix over the Muzzle of his Musket; under the like Penalty as in the said Act is mentioned, for not being provided with a Sword or Cutlash.

## Acts and Laws,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the twenty-eighth of *May*, 1712. And continued by several Prorogations unto Wednesday the twentieth of *August* following, and then met, being their second Session.

## CHAP. V.

## An Act prohibiting the Importation or bringing into this Province, any Indian Servants or Slaves.

Preamble.

*WHEREAS divers Conspiracies, Outrages, Barbarities, Murders, Burglaries, Thefts; and other notorious Crimes and Enormities, at sundry Times, and especially of late, have been prepetrated and committed by Indians, and other Slaves, within several of her Majesty's Plantations in* America; *being of a malicious, surly and revengeful Spirit; rude and insolent in their Behaviour, and very ungovernable. The over great Number and Increase whereof within this Province, is likely to prove of pernicious and fatal Consequence to her Majesty's Subjects and Interest here, unless speedily remedied: And is a Discouragement to the Importation of white Christian Servants. This Province being differently circumstanced from the Plantations in the Islands, and having great Numbers of the Indian Natives of the Country, within and about them; and at this Time under the sorrowful Effects of their Rebellion and Hostilities*:

Indians bro't in, to be forfeited, unless Security be given to carry them out again within one Month.

**Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That from and after the Publication of this Act, all Indians, Male or Female of what Age soever, imported or brought into this Province, by Sea or Land, from any Part or Place whatsoever; to be disposed of, sold or left within the Province, shall be forfeited to her Majesty, for and towards the Support of the Government; unless the Person or Persons importing or bringing in such Indian

Indian or Indians, shall give Security at the Secretary's Office of *fifty Pounds* per Head, to transport and carry out the same again, within the Space of one Month next after their coming in; not to be returned back to this Province.

And every Master of Ship or other Vessel, Merchant or Person whatsoever, importing or bringing in to this Province by Sea or Land, any Indian or Indians, Male or Female, within the Space of twenty-four Hours next after their Arrival or coming in, shall report and enter their Names, Number and Sex; and give Security in the Secretary's Office, as aforesaid, on Pain of forfeiting to her Majesty for the Support of the Government, the Sum of *fifty Pounds* per Head: To be sued for and recovered in any of Her Majesty's Courts of Record, by Action, Bill, Complaint or Information.

Indians brought in to be entred in the Secretary's Office, &c.

And the Fee to be paid for such Entry and Bond as aforesaid, shall be *two Shillings and six Pence*, and no more.

Fee for entry and Bond.

## CHAP. VI.

## An Act for Explanation, and in Addition to the Act for keeping of Watches in Towns; passed in the eleventh Year of the Reign of King *William* the Third.

*WHEREAS Provision is made in and by a Paragraph or Clause in the said Act; That a Watch may be kept in Towns in other Manner than a Constables Watch, where the Members of the Council and Justices of the Peace, together with the Select-Men; and the Select-Men by themselves, where no Member of the Council or Justice dwells, shall judge it most for the Benefit and Safety thereof; the Inhabitants also agreeing to support the Charge:* 11 *W.* ca. 8.

Be it declared and enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same That when, from Time to Time a Watch, in other and different Manner from a Constables Watch, shall be agreed upon and directed in any Town in Manner as afore-expressed; the Number and Qualification of the Persons whereof it shall consist, shall also be agreed upon as aforesaid; and one sober, discreet, able bodied House-holder appointed to take the Charge and Command thereof; and to see that the Watchmen do their Duty: Who, as a Badge of his Office shall carry a Quarter Pike with a Spire on the Top thereof; and every Watchman shall carry a Staff with a Bill fastned thereon, as usual. And the said Officer and Watchmen are hereby respectively impowred and authorized, to prevent and suppress all Disturbances, Routs, unnecessary Noises and Disorders in the Night: To examine all Persons whom they shall find abroad after ten a Clock (other than known, sober orderly House-holders or Inhabitants) of their Business abroad, and whither they are going: And in Case they are Refractory, and give not a reasonable Account of themselves and Business; or are Persons of ill Fame, or justly suspected to have any unlawful Intention or Design; then to restrain and secure them, by Imprisonment or otherwise, and keep them safe until the Morning; and then carry them before a Justice of the Peace, to be examined and proceeded against according to the Nature of the Offence. And the said Watchmen are required to walk in and about the Streets, Wharffs, Lanes and principal Parts of the Town, to see that good Rule and Order be kept; and to suppress all Disorders and Misrule.

Qualification of Watchmen, and Badge.

Watchmen's Power.

Duty.

And when at any Time or Times, any one or more Members of the Council, Justices of the Peace, or Select-Men, shall think fit to walk by Night, to inspect the Orders of the Town wherein they dwell; as well the said Watchmen, as one or more of the Constables, are required to attend and accompany them, and to observe and obey their lawful Commands.

Watchmen & Constables, to attend the Members of the Council, Justices, &c.

And be it further enacted, That the Fee to the Goaler for Persons taken up in the Night, and committed to be secured only whilst the next Day, shall be *one Shilling*, and no more.

Fee for Commitment.

# Acts and Laws,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the twenty-eighth of *May*, 1712. And continued by several Prorogations unto Wednesday the eighteenth of *March* following, and then met; being their fourth Session.

## CHAP. I.

## An Act in Addition to the Act, for making Lands and Tenements liable to the Payment of Debts.

8 *W.* ca. 3. 8 & 9 *G.* 2. ca. 5.

*WHEREAS in and by An Act made and passed in the eighth Year of the Reign of his late Majesty King* William *the third, Land and Tenements are made liable to the Payment of Debts: And whereas in practising upon the said Act, either through the Perverseness of the Creditor, or Corruption of the Officer, Executions for small Sums, are sometimes laid on Part of Housing and Lands of great Value in such Manner, as grievously to discommode or spoil the Remainder, contrary to the good Intent of the said Act; the Party injured being without Remedy ever to recover his Estate back again:*

For Prevention of such Inconvenience and Mischief for the future:

One Year's Time allow'd to recover back Housing or Lands taken in Execution for Debt.

**Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same,** That when any Land or Tenement, in Part, or in whole, shall be levied and taken in Execution for Debt; it shall and may be lawful to and for the Party, or his Heirs whose Estate is so taken in Execution, within the Space of one Year next following the levying Execution thereon, and not afterwards; to bring his Suit against the Creditor, or his Heirs, or Tenant in Possession, and recover back his Estate, upon paying the full Sum, for which the same was taken, with Interest from that Time; and the reasonable necessary Charges and Disbursements laid out and expended thereon, for repairing or bettering of the same, over and above what and so much as the Rents, Profits and Improvements made thereof, shall fall short of Reimbursing such Charges; to be accounted for by the Party for whom the same was taken in Execution, his Heirs or Assigns, agreable to the Provision made in the Act for Equity of Redemption of Estates upon Mortgage forfeited for the Condition broken.

10 *W.* ca. 13.

*And whereas in and by the afore-mentioned Act relating to the Equity of Redemption of mortgaged Estates forfeited, the Term of three Years therein limited for the Redemption, is diversly construed as to the Commencement thereof:*

The Time of 3 Years for Redemption of forfeited Estates upon Mortgage when to Commence.

**Be it enacted and declared,** That the said Term of three Years shall be reckoned and accounted from the Time of the Mortgagee, his Entry into and taking Possession of such forfeited Estate: Any Law, Usage or Custom to the contrary notwithstanding.

## CHAP. II.

## An Act directing how Meetings of Proprietors of Lands lying in Common, may be called.

4 *W.* & *M.* ca 13. 26 *G.* 2 ca. 2.

Preamble.

*WHEREAS the Law has made Provision and impowered the Proprietors of Lands lying in Common, as well those already stated and divided, each ones Proportion being known, as those not stated, divided or proportioned as aforesaid; to manage, improve, dispose and divide the same, in such Way and Manner as hath been or shall be concluded and agreed on by the major Part of the interested. But no Direction being given how a Meeting of such Proprietors may be orderly and regularly called and assembled:*

Be

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That when and so often as any five or more of the Proprietors of such common Lands shall judge a Proprietors Meeting to be necessary, they may make Application to a Justice of the Peace within the said County where such Lands lie, for a Warrant for the calling of a Meeting, expressing the Time, Place and Occasion thereof: And such Justice is hereby impowred to grant a Warrant for such Meeting accordingly, directed to one of the Proprietors, asking the same; or to the Proprietors Clerk, requiring him to notify the Proprietors of the Meeting, and the Time and Place for the same; which Notification shall be given in Writing posted up in some public Place or Places within the Town or Precinct where the Lands lie, fourteen Days before the Day appointed for the Meeting. And such and so many of the Proprietors as shall be assembled and meet accordingly, shall have Power by a major Vote to chuse a Clerk, to enter and record all Votes and Orders, that from Time to Time shall be made and passed in the Proprietors Meetings; who shall be sworn to the faithful Discharge of his Office, as the Law directs, for the swearing of Town Officers. And to agree upon, and appoint any other Way or Method of calling and summoning Meetings for the future, as shall be most suitable and convenient to the Proprietors. As also to pass Orders for the managing, improving or dividing such common Lands, not before stated and divided; the Voices always to be collected and numbred according to the Interests present, where the same is known.

Fourteen Days Notice for a Meeting. 2 G. ca. 4.

Power to choose a Clerk.

And no other Affair shall be transacted at any Meeting of the Proprietors, than what is expressed in the Warrant or Notification for such Meeting.

---

# An Act,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston* upon Wednesday the twenty-seventh Day of *May*, 1713.

---

## CHAP. III.

## An Act in Addition to the Act for Regulating Fees; made and passed in the fourth Year of the Reign of King *William* and Queen *Mary*.

WHEREAS *the Public Notaries Office is not mentioned in the said Act, and has hitherto been under no Regulation as to Fees, but wholly at Pleasure*: 4 W. & M. ca. 18.

Be it enacted by his Excellency the Governour, Council and Representatives now in General Court assembled, and by the Authority of the same, That the Fees to be demanded and taken in the said Public Notaries Office, for the Particulars following: Be as herein expressed, and no higher: under the Penalty in the afore-recited Act mentioned. *That is to say*:

| | *l.* | *s.* | *d.* | |
|---|---|---|---|---|
| For drawing and making a Protest, *six Shillings*. | 00 | 06 | 00 | Protest. |
| For every Certificate under the Seal of the Office, *Four Shillings*. | 00 | 04 | 00 | Certificate. |
| For entring, and registring Protests, and other Writings for the first Page *twelve Pence*: and for so many Pages more as it shall contain *eight Pence* a Page, accounting after the Rate of twenty-eight Lines, of eight Words in a Line to each Page; and proportionably for so much more, as shall be under a Page: And *six Pence* for each Attestation on the Original. | | | | Registring. Attestation. |

## An Act,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England:* Begun and held at *Boston*, upon Wednesday the twenty-seventh of *May*, 1713. And continued by Prorogation unto Wednesday the fifth of *August* following, and then met; being their second Session.

### CHAP. IV.

### An Act for holding special Courts of Assize, and General Goal Delivery.

Preamble.

*WHEREAS the Time set for holding a Superiour Court of Judicature, Court of Assize, and General Goal Delivery in the respective Counties, according to the present Establishment, is but once in six Months in and for any County; and in some Counties but once in twelve Months; by Reason of which Distance of Time Persons guilty of Murder may avoid Justice, either by making their Escape; or by the Death of the Witnesses: or otherwise great Charge may arise by long keeping such Criminals in Prison, and great Loss and Damage be occasioned to the Witnesses being long detained till the Coming of the Court, especially if they are not Inhabitants, or are Sea-faring Men:* For Prevention of which Mischiefs and Inconveniencies:

A special Court of Assize, and General Goal Delivery.

10 G. ca. 4.

**Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same,** That it shall be lawful to and for the Governour, for the Time being, by and with the Advice and Consent of the Council, upon any extraordinary Occasion and Emergency, as aforesaid, by a Precept directed to the Justices of the Court of Assize and General Goal Delivery; to order and appoint them to hold a special Court, as soon as may be, for the Trial of any such capital Offender or Offenders; and to cause Venires to be issued forth for the summoning of Jurors for such Court out of the several Towns, as usual for the stated Courts: And to make out all other necessary Processes; and do what else shall be requisite, according to the Powers given them, in and by the Act for establishing a Superiour Court of Judicature, Court of Assize and General Goal Delivery.

## Acts and Laws,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and held at *Boston* upon Wednesday the twenty-seventh of *May*, 1713. And continued by several Prorogations unto Wednesday the fourteenth of *October* following, and then met; being their third Session.

### CHAP. V.

### An Act to prohibit shooting or firing off Guns, near the Road or High-Way, on *Boston* Neck.

Preamble.

*WHEREAS the Limbs and Lives of several Persons, have been greatly endangered in riding over* Boston *Neck, by their Horses throwing of them; being affrighted and starting, at the Firing of Guns by Gunners that frequent there after Game:*

For

For preventing whereof for the future:

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That no Person or Persons from and after the Publication of this Act, may presume to Discharge or Fire off any Gun upon *Boston* Neck, within ten Rods of the Road or High-Way leading over the same, on Pain of forfeiting and paying the Sum of *twenty Shillings*, for each Gun so fired or discharged: One Moiety thereof to be to and for the Use of the Poor in the said Town of *Boston*; and the other Moiety to him or them that shall inform, complain, and sue for the same: To be recovered before the Court of General Sessions of the Peace within the County, or before any one or more of her Majesty's Justices of the Peace out of Court. And for the better Conviction of Persons offending against this Act; it shall be lawful to and for any Freeholder to arrest and take into Custody any Gun so fired off, and render the same to one of the next Justices in *Boston*, in order to its being produced at the Time of Trial.

Penalty

Guns to be seized.

## CHAP. VI.

## An Act in Addition to the Law of this Province, Intitled, An Act for High-Ways; made in the fifth Year of the Reign of the late King *William* and Queen *Mary*.

WHEREAS *in and by the said Act*, "The Select-Men of each Town "respectively within this Province, are thereby impowred by themselves "or others, to lay out or cause to be laid out only such particular and "private Ways, as may be judged necessary for their respective, Towns. *And whereas it may and does often happen, that the Lands of particular Persons or Proprietors, may be, and are so situated and circumstanced as to make or render a particular or private Way for the Use of such Person or Proprietor of absolute Necessity; which is not provided for in and by the said Act:*

5 *W. & M.* ca. 8.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Select-Men of each Town respectively, are hereby impowred, by themselves, or others whom they shall appoint, to lay out or cause to be laid out particular or private Ways between any of the Inhabitants or Proprietors within their respective Towns, as shall be thought necessary, to or for any and every original Lot laid out or to be laid out in and by any Town or Proprietors, so as no Damage be done to any particular Person or his Propriety, without due Recompence to be made either by the Town if concerned, or such of the Inhabitants or Proprietors who desire and reap the Benefit of the same; as the Select-Men and Parties concerned may agree; or otherwise, as shall be ordered by the Justices of the Court of General Sessions of the Peace, as in and by the said Act is already directed and provided for.

Select-Men to lay out particular or private Ways.

*And whereas it hath been (and may yet be) found by Experience, that the Select-men of many Towns within this Provine, through Relation or other Interest have so very much delayed; and at other Times absolutely refused to lay out or cause to be laid out particular or private Ways, for or within their several Towns when thereunto desired, and the same have been really necessary; which hath been to the very great Damage and Grievance of Persons concerned:*

Be it therefore further enacted by the Authority aforesaid, That when and so often as the Select-Men of any of the Towns within this Province, shall unreasonably delay or refuse to lay out, or cause to be laid out, any such particular or private Ways as aforesaid, to any such original Lot or Lots as aforesaid, being thereunto desired by one or more of the Inhabitants or Proprietors of Land within their Towns respectively; that then, and in such Case, her Majesty's Justices of the Peace within the several Counties of this Province,

Justices impowred, by a Committee, to lay out particular or private Ways.

at

at any of their General Sessions, may, and are hereby impowred, by a Committee whom they shall appoint, to lay out, or cause to be laid out such particular or private Ways, within or for such Town; or for or between any of the Inhabitants thereof, to or for any such original Lot or Lots, as aforesaid; so as no Damage be done to any particular Person in his Land or Propriety, without due Recompence to be made either by the Town, if it be of general Benefit; otherwise by such of the Inhabitants as have the Benefit of such particular or private Way, as shall be ordered by the Justices in their Sessions as aforesaid, upon Inquiry into the same, by a Jury to be summoned for that Purpose: Any Law, Usage or Custom to the contrary notwithstanding.

Recompence.

## CHAP. VII.

## An Act to prevent the annoying or stopping up of Harbours; and the unjust taking off Ballast from the Shoar.

BE it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That no Master or Commander of any Ship or other Vessel, coming from Sea into any Road, Port or Harbour within this Province, shall presume to unload or throw over-board, any Ballast or Rubbish into such Road, Port or Harbour, under the Penalty of *twenty Pounds*: And in the ballasting or unballasting any Ship or other Vessel, there shall be a Canvas or Tarpolin, which shall reach from the Ballast Port or Gunnel, to the Lighter or Boat; to prevent any Part of the Ballast or Rubbish falling into such Port, Road and Harbour as aforesaid. Nor shall any such Commander or Master, as aforesaid, take off any Sort of Ballast from any Island, Beach or other Land, being the Propriety of any Town or of any particular Person or Persons within this Province, without Leave first had and obtained from the Select-Men of such Town, or the major Part of them, or from such Person or Persons as they shall entrust therewithal, or other the Proprietor; under the Penalty of *Forty Shillings*; to be recovered before a Justice of the Peace.

Penalty for casting Ballast into the Harbour, &c.

Penalty for taking Ballast without Leave.

*Provided*, That this Act shall not extend to the hindering any Commander or Master of any Ship or other Vessel, after they are under Sale outward Bound, who find a Necessity of taking in more Ballast, to take the same from off any Island, Beach or other Land, as above-mentioned, making Satisfaction therefor.

Proviso.

The Penalties arising by this Act, to be one Half thereof for the Use of the Poor of the Town where the Offence is committed; the other Half to the Use and Benefit of the Informer. The Penalty of *twenty Pounds* aforesaid, to be recovered by Bill, Plaint or Information, in any of her Majesty's Courts of Record within the respective Counties where the Offence shall be committed.

Forfeitures how to be disposed.

## An Act,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the twenty-seventh of *May*, 1713. And continued by several Prorogations unto Wednesday the tenth of *February* following, and then met, being their fourth Session.

## CHAP. VIII.

## An Act in Addition to the Act for Upholding and Regulating of Mills.

8 *A.* ca. 1.

WHEREAS *it hath been found by Experience, that when some Persons in this Province have been at great Cost and Expences, for building of Mills serviceable for the public Good and Benefit of the Town, or considerable Neighbourhood, in or near to which they have been erected; that in raising a suitable*

*ſuitable Head of Water for that Service, it hath ſometimes ſo hapned that ſome ſmall Quantity of Lands or Meadows have been thereby flowed and damnified not belonging to the Owner or Owners of ſuch Mill or Mills, whereby ſeveral Controverſies, and Law Suits have ariſen:*

For Prevention whereof for the future:

Be it therefore enacted by his Excellency the Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That where any Perſon or Perſons have already, or ſhall hereafter, ſet up any Water Mill or Mills, upon his or their own Lands, or with the Conſent of the Proprietors of ſuch Lands legally obtained, where upon ſuch Mill or Mills is, or ſhall be erected or built; that then ſuch Owner or Owners ſhall have free Liberty to continue and improve ſuch Pond for their beſt Advantage, without Moleſtation. Mills built on Lands by the Owners, or by their Conſent to be continued.

And if any Perſon or Perſons find themſelves aggrieved and damnified in their Propriety of Lands by its being flowed by the Owner or Occupant of ſuch Mills ſtopping or raiſing the Water; that in every ſuch Caſe the Party ſo damnified in his Propriety, upon Application for Relief to the Court of General Seſſions of the Peace in the County where ſuch Mills or Pond is; the ſaid Court be and hereby are impowred to iſſue out a Warrant directed to the Sheriff of the ſame County, to ſummon and impannel a Jury of good and lawful Men at the proper Coſt and Charge of the Owner or Owners of ſuch Mill or Mills; and the Jury ſhall be Sworn by a Juſtice of the Peace, to a faithful indifferent Appriſal of the yearly Damage done to the Perſon Complainant, by flowing his or their Land as aforeſaid; and the Jurors Verdict being returned by the Hand of the Sheriff, to the next Court of Quarter Seſſions of the County, where ſuch Mill or Pond is; being allowed and recorded, ſhall be a ſufficient Bar againſt any Action to be brought for any Damages occaſioned by the flowing of any ſuch Lands as aforeſaid: Save only an Action of Debt, which the Complainant may bring for the Recovery of ſuch yearly Sum or Sums of Money, from the Owner or Occupant of ſuch Mill aſſeſt as aforeſaid, during the Time of ſuch flowing. Remedy for Damage on Land being over-flowed

But if the Jury find no Damage for the Complainant, then he or they to be at the Coſt of the Jury, as ſhall be allowed by the Juſtices of the ſaid Court.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of Her Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and Held at *Boſton*, upon Wedneſday the twenty-ſixth of Day *May*, 1714.

## CHAP. I.

## An Act to prevent cauſeleſs Arreſts, &c.

Be it enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That every Perſon, Principal or Attorney, Executor or Adminiſtrator taking out a Writ or Attachment againſt another, before he receive it out of the Clerk's Office, ſhall endorſe his Sir Name on the back thereof towards the Bottom; and ſhall ſtand chargeable and be liable to anſwer and pay to the adverſe Party his Coſts ariſing by the Arreſt, and charge of Impriſonment (if any be) to be taxed in common Form by the Judges of the Court where the Writ is returnable in Caſe of non Proſecution, Diſcontinuance; or that the Plantiff be Non-ſuit, or Judgment paſs againſt him, to be levied on the Principal, the Executor, Adminiſtrator or Attorney, that endorſed or took out ſuch Writ; if the Principal be without the Province or be unable to pay the ſame. 1 & 2 G. 2. ca. 1. Writs to be endors'd.

And no Perſon ſhall entertain more than two of the ſworn allowed Attorneys at Law, that the adverſe Party may have Liberty to retain others of them to aſſiſt him, upon his Tender of the eſtabliſhed Fee, which they may not refuſe. No Perſon to entertain more than two Attorneys.

And

Attorneys misslaying the Action to draw a new Writ without a Fee.

And be it further enacted by the Authority aforesaid, That if the Plaintiff in any Action, suffer a Non-Suit through the Default, Negligence or Omission of his Attorney that drew the Writ, being an Attorney at Law, practising and legally admitted in the Courts of Law within this Province, by misslaying of the Action, or otherwise; such Attorney shall draw a new Writ without a Fee, in Case the Plaintiff see Cause to revive his Suit.

## CHAP. II.

## An Act enlarging the Pay of the Representatives.

Preamble.

*WHEREAS the Allowance by Law granted to the Representatives of the several Towns for their Service in attending of the Great and General Court or Assembly, as by Law established, is only* three Shillings *per Diem a Man; which is not sufficient to answer the Charge of their Travel and necessary Expence:*

4 *W. & M.* ca. 19.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That from the beginning of this present Session and ever after, until this Court shall order otherwise, there be paid by each Town respectively *four Shillings* in Money per Diem, to each of their Representatives, during their Attendance on the Court, and for the necessary Time expended in their journeying to and from thence, to be paid within one Month next after the End of each Session respectively; any Law, Usage or Custom to the contrary notwithstanding.

4 *s. per Diem* to each Representative.

## CHAP. III.

## An Act for Preserving the Harbour at *Cape-Cod*, and Regulating the Inhabitants and Sojourners there.

Preamble.

*WHEREAS the Harbour at* Cape-Cod, *being very useful and commodious for fishing, and the Safety of Shipping both inward and outward bound, is in Danger of being damnified, if not made wholly unserviceable, by destroying the Trees standing on the said* Cape, *(if not timely prevented;) the Trees and Bushes being of great Service to keep the Sand from being driven into the Harbour by the Wind:*

Penalty for barking or boxing Pine Trees.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That from and after the Publication of this Act, no Person or Persons may presume to bark or box any Pine Tree or Trees, standing upon any of the Province Lands on the said *Cape* for the drawing of Turpentine; on Pain of forfeiting and paying the Sum of *ten Shillings*, for each Tree so barked or boxed, and the Turpentine drawn from them, if to be found; one Moiety thereof to her Majesty for the Support of her Majesty's Government within this Province, and the other Moiety to him or them that shall inform or sue for the same in any of her Majesty's Courts of Record within this Province.

The Lands on *Cape Cod* made a Precinct.

The Inhabitants to settle a Minister & allow him 60*l.* *per Annum.*

And be it further enacted by the Authority aforesaid, That whereas a Number of Inhabitants are settled upon the said *Cape*, and many others resort thither at certain Seasons of the Year to make fishing Voyages there, which has not hitherto been under the Government of any Town, or Regulation among themselves; that henceforth all the Province Lands on the said *Cape* be a District or Precinct; and the Inhabitants there are obliged to procure and support a learned orthodox Minister of good Conversation to dispense the Word of God among them, and to allow him *sixty Pounds* a Year Maintenance.

*And*

*And for the better enabling them to raiſe and pay the ſaid yearly Maintenance, with the Aſſiſtance of ſuch as ſojourn among them at the fiſhing Seaſons, and have the Privilege of the Audience with them :*

Be it further enacted, That all and every Perſon and Perſons coming to abide and ſojourn there on fiſhing or whaling Voyages, during his and their Continuance and Abode there, ſhall pay *four Pence* a Man *per* Week weekly, to be paid by the Maſter of the Voyage or Boat, for his whole Company, to *Ebenezer Doan*, who is hereby appointed and impowred to be the firſt Collector and Receiver of the ſaid Rate or Duty, on Behalf and to the Uſe of the Miniſter of the Precinct. And upon Neglect or Refuſal of any Perſon or Perſons to make Payment as aforeſaid, to levy the ſame by Diſtreſs by Warrant to him directed from the next Juſtice of the Peace; ſuch Juſtice being alſo hereby impowred upon Complaint to him made, to iſſue forth a Warrant of Diſtreſs accordingly.

Fiſhermen to pay *four Pence* a Week per Man to the Support of the Miniſter.

Collector.

Diſtreſs.

And the ſaid Diſtrict or Precinct is hereby annexed and put under the Conſtablerick of *Truro*, until this Court take further Order: And the Select-Men or Aſſeſſors of *Truro* are hereby directed and impowred to aſſeſs and apportion on the Inhabitants of the ſaid Precinct from Time to Time, ſuch Sum and ſo much as the Duty as aforeſaid, laid upon the Fiſhermen ſhall fall ſhort of making up *ſixty Pounds per Annum*, for the Miniſter, directed as aforeſaid, and to make out a Warrant as the Law directs for the gathering of the ſaid Aſſeſsment.

Put under the Conſtablerick of *Truro*.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and held at *Boſton* upon Wedneſday the twenty-fifth of *May*, 1715.

## CHAP. I.

## An Act againſt Burglary.

*WHEREAS notwithſtanding the Laws already made for the puniſhing of criminal Offenders, many Perſons of late have been ſo hardy as to break open in the Night, the Dwelling Houſes of ſeveral of his Majeſty's good Subjects, and have not only ſtolen their Goods, but put them in Fear and Danger of their Lives :* 4 *W. & M.* ca. 6.

Be it therefore enacted by the Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That if any Perſon or Perſons ſhall here-after in the Night Time break and enter into any Dwelling Houſe then inhabited, with a felonious Intent to rob or kill, or to do ſome other Felony; he or they ſo offending and being thereof convicted, ſhall be adjudged to ſuffer the Pains of Death; Any former Law, Uſage or Cuſtom to the contrary notwithſtanding.

## CHAP. II.

## An Act for the better preſerving, increaſing, and ſecuring Naval Stores; particularly Tar, Turpentine, and Rozin, within this Province.

*WHEREAS there has been Waſte and Stroy made of the Pine Trees, and other Timber, within this Province :*

For Prevention whereof :

Be it enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That from and after the Publication of this Act, no Perſon or Perſons may preſume to cut or carry off any Tree, Trees, or Timber, bark or box any Pine

Tree or Trees, for the drawing of Turpentine ſtanding upon any of the Lands belonging to this Province, Proprietors, Townſhips, or particular Perſons, without Leave or Licence firſt had and obtained from the Owner or Owners thereof: on Pain of forfeiting and paying the Sum of *twenty Shillings*, for every Tree ſo cut or removed, bark'd or boxed. And the Turpentine drawn from them when found either in the Trees aforeſaid, Barrels, or other Veſſels lying upon the ſaid Lands, to be a like forfeited: One Moiety thereof to the reſpective Owners of the ſaid Land and Trees, the other Moiety to be to him or them that ſhall inform or ſue for the ſame before any Juſtice of the Peace in the County where the Offence is committed; if the Forfeiture exceed not *forty Shillings*, but if above that Value, in any of his Majeſty's Courts of Record within this Province.

## Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and Held at *Boſton*, upon Wedneſday the twenty-fifth of *May*, 1715. And continued by Prorogation unto Wedneſday the twentieth Day of *July* following and then met.

### CHAP. III.

### An Act for building and maintaining a Light-Houſe upon the Great Brewſter (called *Beacon-Iſland*) at the Entrance of the Harbour of *Boſton*.

Preamble: 24 G. 2. ca 2.

*WHEREAS the Want of a Light-Houſe at the Entrance of the Harbour of* Boſton, *hath been a great Diſcouragement to Navigation, by the Loſs of the Lives and Eſtates of ſeveral of his Majeſty's Subjects*:

For Prevention whereof:

**Be it enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame,** That there be a Light-Houſe, erected at the Charge of the Province, on the ſouther-moſt Part of the Great Brewſter called *Beacon-Iſland*, to be kept lighted from Sun-ſetting to Sun-riſing.

Duty to be paid.

That from and after the building of the ſaid Light-Houſe, and kindling a Light in it, uſeful for ſhipping coming into or going out of the Harbour of *Boſton*, or any other Harbour within the *Maſſachuſetts-Bay*, there ſhall be paid to the Receiver of Impoſt, by the Maſter of all Ships and Veſſels, except Coaſters, the Duty of *one Penny per* Tun inwards; and alſo *one Penny per* Tun, outwards, and no more, for every Tun of the Burden of the ſaid Veſſel, before they load or unload the Goods therein.

Meaſure of Veſſels.

And that all Veſſels having two Decks ſhall be meaſured upon the Main-Deck, from the Stem to the Stern Poſt, then ſubducting the Breadth from Out-Side to Out-Side athwart the main Beam, the Remainder to be accounted her Length by the Keel, which being multiplied by the Breadth aforeſaid, and the Product thereof multiplied by one Half of the ſaid Breadth as the Depth of the Hold: And the whole Product divided by one Hundred, the Quotient ſhall be accounted the Tunnage of ſaid Ship or Veſſel; and all Ships or other Veſſels having a ſingle Deck, or Deck and Half, to be meaſured in the ſame Manner (except the Depth in Hold) which ſhall be from the Under-Side of the Main Beam to the Cieling.

Coaſters who.

That none ſhall be accounted Coaſters by this Act, but ſuch who import only Proviſions, Tar, Pitch, Turpentine, or Lumber, whoſe Owners belong to this Province,

Province, or the Provinces or Colonies of *Rhode-Island, Connecticut, New-York, Jerseys, Pensilvania, Maryland, Virginia, North-Carolina* and *Nova-Scotia*; and that are *bonâ fide* bound to some of the fore-mentioned Governments; all such Coasters to pay only *two Shillings* each Time they clear out.

That all Fishing Vessels, Wood-Sloops, &c. employ'd in bringing of Fish, Wood, Stones, Sand, Lime or Lumber, from any of the Parts within this Province, coming into said Harbour of *Boston &c.*, pay *five Shillings* at their first coming in or going out, and no further Payment to be demanded of them by the Space of one Year next following.

Duties how to be recovered.

And the Commissioner or Receiver of Impost is hereby impowred by himself or Deputies, by him to be appointed, to collect and receive the several Duties aforesaid; to sue for and Recover the same by Action of Debt in the Inferiour Court of Common Pleas, in the County where said Vessel loads or unloads, wherein no Essoign or Wager of Law shall be allowed, nor more than one Imparlance; and where the Sum does not exceed *Forty Shillings*, before one single Justice of the Peace.

Commissioner to attend at certain Hours.

And the Commissioner of Impost or Deputy shall attend at his Office at certain Hours *de Die in Diem*, for entring Ships and Vessels, and to give Certificate of paying the Duty thereof to the Naval Officer, for which he shall demand and receive *six Pence*, and no more.

Naval Office not to clear, until, &c.

And no Ships or Vessels shall be cleared by the Naval Officer, until such Certificate be produced that the Duty of the Light-House be paid; and the Ship with Master shall stand charged with the Duty thereof, till paid to the Commissioner of Impost.

Keeper of the Light-House carefully to attend his Duty.

And be it further enacted by the Authority aforesaid, That the Person who shall be appointed from Time to Time by the General Court or Assembly to be the Keeper of the said Light-House, shall carefully and diligently attend his Duty at all Times in kindling the Lights from Sun-setting to Sun-rising, and placing them so as they may be most seen by Vessels coming in or going out; and upon Conviction of Neglect of his Duty before the Court of General Sessions of the Peace within the County, shall be liable to be fined according to the Degree and Circumstances of his Offence, not exceeding *One Hundred Pounds*; two thirds thereof to be to his Majesty, to and for the Support of the Government of this his Majesty's Province, and the other third Part thereof to the Person or Persons that shall inform of such Neglect; to be recovered by Bill, Plaint or Information in any of his Majesty's Courts of Record within this Province

Penalty.

## CHAP. IV.

## An Act for the more safe keeping the Registry of Deeds and Conveyances of Lands.

Additional Act. 7 G. ca. 5. 12 G. ca. 3.

WHEREAS *the Registring of Deeds and Conveyances of Lands hath for a long Time past proved very beneficial upon many Accounts*:

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That for the more safe and convenient keeping the Registry of Deeds and Conveyances as aforesaid, there shall be chosen in each County within this Province, some discreet, suitable Person having a Freehold within the same, to the Value at least of *Ten Pounds per Annum*, to be the Register in such County, who shall be chosen by the Votes of the Freeholders of each respective Town, at their Meeting in *March* next, by the same Rule and Method as by Law is prescribed for the chooſing of County Treasurers. And the Person so chosen and accepting thereof, being first Sworn before the Superiour or Inferiour Court, or two Justices within the County *Quorum Unus*; shall be and continue in the aforesaid Office five Years unless removed or displaced by Order of the Court of General Sessions of the Peace in such County, for Misdemeanour or Failure in his Duty; the said Officer to give Bond to the Value of

A Register to be chosen by the Freeholders in *March*.

To continue five Years, unless.

To give Bond.

A new Election in Caſe.

of *Five Hundred Pounds*, with two Sureties, for the faithful Diſcharge of his Truſt. And in Caſe of Non-acceptance, Death or Removal of any ſuch Perſon ſo elected, two or more of his Majeſty's Juſtices within ſuch County *Quorum Unus*, are hereby impowred to grant out their Warrants, directed to the Select-Men of the ſeveral Towns within ſuch County, ordering them forthwith to convene the Freeholders of their reſpective Towns, and proceed to the Choice of ſome other meet Perſon; the Votes to be brought in as aforeſaid. And that there ſhall be a publick Office in the Shire Town of each County within this Province, for Regiſtring of Deeds and Conveyances as aforeſaid. And that the Fees for Regiſtring ſhall be the ſame as is therefor already by Law eſtabliſhed: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

The Office to be kept in the Shire Town.

## CHAP. V.

## An Act in Addition to an Act for Regulating Fees.

4 *W.* & *M.* ca. 18. 3 *G.* ca. 6.

*WHEREAS in the aforeſaid Act there is not mention made of the Fees to be taken for many Things which may from Time to Time be entred, recorded, regiſtred, and copied, either in the Secretary, or Clerks Offices, of the ſeveral Courts within this Province:*

Fee for copying the Page.

Penalty.

**Be it therefore enacted by his Excellency the Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,** That no Officer whatſoever ſhall aſk, demand and take any more than *twelve Pence* a Page, each Page containing twenty-eight Lines eight Words in a Line; and ſo proportionable for the entring, recording regiſtring, and copying all and every Matter, and Thing whatſoever; on pain of forfeiting and paying the like Sum of *ten Pounds*, as by the aforeſaid Law is provided.

## CHAP. VI.

## An Act in Addition to an Act of Limitation for quieting of Poſſeſſions.

9 *W.* ca. 8.

*WHEREAS the Limitation of Time for the Continuance of Poſſeſſion by the aforeſaid Act, did not extend or was underſtood to extend unto any Houſes or Lands lying to the* Eaſtward *of* Piſcataqua-River, *or in other the Frontiers referred to in ſaid Act; but a further Time was enlarged and lengthened out for the Space of five Years next after the ending of the War with the Indians, during which Space all Perſons might purſue their Right and Claim to any Houſes and Lands lying in thoſe Parts: And forasmuch as ſince the enacting the aforeſaid Law, the Peace was made and concluded with the ſaid Indians in the tenth Year of the Reign of his late Majeſty King* WILLIAM; *notwithſtanding which the aforeſaid Indians broke out again into open War and Rebellion in the ſecond Year of her late Majeſty's Reign, and continued the ſame until the laſt Year; by Reaſon of which Ruptures Perſons could not without great Hazzard and Difficulty purſue their Right and Claim to Houſes and Lands lying to the* Eaſtward *of* Piſcataqua-River, *or in other the aforeſaid Frontiers; And in as much as the ſettling of the* Eaſtern *Parts and Frontiers will be of great Benefit to this Province: The Accompliſhment whereof will be very much retarded and hindred unleſs Perſons can be ſecured in their Purchaſes and Poſſeſſions:*

Five Years Time further.

**Be it therefore enacted by his Excellency the Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,** That there ſhall be a further Time of five Years from the laſt of this Inſtant *July*, one Thouſand ſeven Hundred and fifteen, allowed all Perſons to purſue their Right and Claim to any Houſes and Land in thoſe Parts and Places and every of them, and no longer. And all Actions and Proceſſes to be thereafter brought for the ſame, are hereby excluded and for ever debarred

*Provided*

*Provided always*, That there shall be a Saving of all public Lands belonging to this Province, not orderly disposed of. Proviso.

*Provided also*, That this Act shall not be understood to bar the Title of any Infant, *Feme Covert*, or Person *non compos Mentis*, imprisoned or in Captivity; who shall be allowed the Term of five Years next after such Imperfection removed, to pursue their Claim or Challenge to any Houses or Lands wherein they have Interest or Title: And the Time of five Years shall be allowed to Persons having an Estate in Reversion in any Houses or Lands, from the Time such Reversion falls to recover their Right: And Persons beyond Sea shall be allowed the Term of ten Years from the Publication of this Act, to pursue their Claim and Challenge to any Houses or Lands, as aforesaid. Interest, &c. Five Years after, &c. Persons beyond Sea ten Years.

# Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the twenty-fifth of *May*, 1715. And continued by several Prorogations unto Wednesday the twenty-third Day of *November* following, and then met.

## CHAP. I.

## An Act in Addition to an Act for erecting of a Powder-House in *Boston*.

*WHEREAS the Confiscation of Powder kept in Houses and Ware-Houses, has not been found sufficient to deter Men from so keeping the same, to the great Discouragement and Damage of such as assist in Time of Fire, to endeavour the extinguishing thereof*: 5 *A.* cap. 3. 5 *G.* cap. 2.

Be it therefore enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That from and after the Publication hereof, any Person within the Town of *Boston*, that shall presume to keep in his House or Ware-house any Powder, above what is by Law allowed, shall forfeit and pay for every Half Barrel, the Sum of *Five Pounds*, and so *pro rato* for every greater Quantity over and above the Forfeiture or Confiscation of the said Powder; one Moiety thereof to be for the Use of the Poor of the Town, to be paid to the Town Treasurer, the other Moiety to the Firewards, or any others that shall sue for the same. Penalty.

And be it further enacted by the Authority aforesaid, That the Quantity of Powder allowed to be kept in Shops for Sale in *Boston* do not exceed twenty-five Pounds: Any Law, Usage or Custom to the contrary thereof notwithstanding. *Saving nevertheless*, The ordinary Town Stocks, as in the afore-recited Act is expressed. Quantity of Powder allow'd to be kept in Shops.

*And whereas there is often Danger by careless Persons carrying Powder thro' the Town uncovered*:

Be it therefore enacted by the Authority aforesaid, That after the Publication of this Act, no Person whatsoever presume to carry thro' the Town any half Barrel, Barrel or Barrels of Powder, unless secured by some sufficient covering of Leather or Cloth spread over it; on Penalty of forfeiting *Ten Shillings per* Barrel, for each Offence, and so *pro rato* for Casks of lesser Size, to be recovered of the Persons carrying the same; by Bill, Plaint or Information before any Court proper to try the same. Powder to be covered when carried thro' the Town. Penalty.

*And whereas the Town of* Boston *has often been in great Hazzard of Fire, by throwing of Squibs, Serpents and Rocketts, and by the performing of other Fire-Works*:

It

Penalty for throwing Squibs, &c.

It is further enacted by the Authority aforesaid, That any Person or Persons whosoever that shall throw any Squibs, Serpents or Rockets or perform any other Fire-Works within the Streets, Lanes or Alleys in the Town of *Boston*, or upon or from the Houses within the same, shall forfeit and pay the Sum of *twenty Shillings* for every such Offence, to be recovered by Bill, Plaint or Information, before a Justice of the Peace, or in any of his Majesty's Courts of Record; the one Half of the aforesaid Fines to be to the Informer, and the other Moiety to the Use of the Poor of the Town.

Children and Servants to be fined or punished for throwing Squibs, &c.

Parents or Masters to pay for Children under the Age of 12 Years.

And be it further enacted by the Authority aforesaid, That if any Children or Servants of the Age of twelve Years and upwards shall offend against this Act in any of the Particulars therein mentioned, and their Parents or Master refuse to answer the Forfeiture or Damage awarded against them; they shall be punished by setting in the Stocks or Cage, or by Imprisonment, not exceeding twenty-four Hours, at the Discretion of the Court or Justice before whom the Prosecution shall be, according to the Nature and Degree of the Offence, and Circumstances aggravating. And the Parents or Masters of any Child or Servant under the Age of twelve Years, shall pay a Fine of *Ten Shillings* for any such Child or Servant transgressing, as aforesaid.

Firewards to sue for the Fines.

And the Firewards are hereby directed to take effectual Care to put this Act in Execution, and are fully impowred to sue for, recover and take the several Fines and Forfeitures afore-mentioned, by Bill, Plaint or Information, in any of his Majesty's Courts of Record within this Province.

## CHAP. II.

## An Act for preventing Damage to the Housing and other Estate, within the several Towns of this Province.

Preamble.

*WHEREAS many Persons of late have been so mischievous, more especially in the Time of public Rejoycings, as to break the Glass Windows of several Houses, and to commit divers other Insolencies in one or more of the Towns within the said Province:*

For Prevention whereof for the future:

Glass Windows not to be broken.

Be it enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That from and after the Publication of this Act if any Person or Persons shall wilfully break the Glass Windows of any House within any of the Towns of this Province, either those made Use of for public Occasions or belonging to any private Person, or, by throwing Stones, Snow-Balls, kicking Foot-Balls, or any other Ways; or shall wilfully break down any Fences belonging to any such House or Houses, or any Pastures or other Inclosures, and be thereof legally convict before one or more of his Majesty's Justices of the Peace within such County, or before the Court of General Sessions of the Peace within the County where such Town lies, he or they so offending shall not only be liable to the Suit or Action of the Owner or Possessor of such House or Fences so damnified, but shall also pay a Fine of *twenty Shillings* at least, and not exceeding the Sum of *Five Pounds*, for the Use of the Poor of the said Town.

Fences not to be broken.

Penalty.

Treasurer impowred to sue for the Fines.

And be it further enacted by the Authority aforesaid, That the Treasurer for the Time being of the Town where the Offence is committed, be, and hereby is directed and impowred to sue any Person or Persons who shall do any Damage as aforesaid, to any of the Houses made Use of by the Publick, either on civil or religious Accounts, or to any of the Publick Burying-Places; and the Money recovered on such Suit shall be appropriated for the repairing of such House or Houses, or Burying-Places so damnified.

Persons refusing to pay the Fine to be punished.

And be it further enacted by the Authority aforesaid, That if any Person or Persons offending against this Act, and being thereof convict; shall refuse to pay the Fine above-mentioned (or when they are Children or Servants their

their Parents or Masters shall refuse to pay the same) he or they so convict shall be punished by Whipping, setting in the Stocks or Cage, or by Imprisonment, at the Discretion of the Court or Justice before whom the Prosecution shall be, according to the Nature and Degree of the Offence and Circumstances aggravating the same.

## CHAP. III.

## An Act in further Addition to the Act for encouraging the killing of Wolves, made in the fifth Year of the Reign of King *William* and Queen *Mary*.

5 *W. & M.* ca 2. 7 *W.* ca. 5. 7 *G.* ca. 3.

BE it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That from and after the Publication of this Act, the Reward for killing a grown Wolf shall be the Sum of *forty Shillings*, to be paid according to the Provision made in said Act.

Wolves to be destroy'd.

Reward.

*And for as much as some Towns in this Province have suffered in their Sheep by unruly and ravenous Dogs:*

Be it enacted by the Authority aforesaid, That whensoever it shall happen that any Dog shall kill or wound any Sheep, and Proof be made thereof before any of His Majesty's Justices of the Peace for the County where such Damage is done, the said Justice is required speedily to notify the Owner of said Dog of such Damage; and if said Dog be not killed within forty eight Hours after such Notice given, the Owner shall forfeit the Sum of *five Pounds*, to be recovered by Action, Bill, Plaint or Information, in any of His Majesty's Courts of Record within this Province, and to be disposed for the Use of the Poor of the Town where the Damage is done; and the said Owner shall be further liable to the Action of any Person damnified, as aforesaid.

Unruly and ravenous Dogs to be destroyed.

Penalty.

## CHAP. IV.

## An Act for the better Regulating of Town and Proprietary Meetings.

*WHEREAS by Reason of the disorderly Carriage of some Persons in said Meetings, the Affair and Business thereof is very much retarded and obstructed:*

Preamble.

For preventing whereof:

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That at every such Meeting a Moderator shall be first chosen by a Majority of Votes, who shall be thereby impowred to manage and regulate the Business of that Meeting. And when it shall so happen that any Matter remains doubtful after a Vote, the Moderator is hereby directed and required that the same be decided by the Poll; if seven or more desire it, presently after the Vote is called in Question; in Proprietary Meetings the said Polls to be numbred according to their Interest.

Moderator to be chosen by the Majority of Votes.

And be it further enacted, That no Person presume to speak before Leave first obtained from the Moderator; nor when any other is orderly speaking. And that all Persons be silent at the Desire of the Moderator, under the Penalty and Forfeiture of *five Shillings*, for the Breach of every such Order. And if any Person being by the Moderator notified of such Offence shall still persist in the same, that then the Moderator shall order such Person to with-draw from said Meeting, and such Offender upon his Refusal thereof, shall forfeit and pay the Sum of *twenty Shillings*; the respective Forfeitures to be recovered by the Town-Treasurer of such Town, wherein any of the aforesaid Offences shall be committed,

Penalty on Persons speaking without leave from the Moderator.

Town Treasurer to recover the Fines.

committed, before any one or more of His Majeſty's Juſtices of the Peace for the County wherein ſuch Town lies, to be diſpoſed of; the one Half for the Uſe of the Poor of ſaid Town, the other Half to the ſaid Town-Treaſurer.

Ten or more Freeholders may deſire a Town-Meeting.

**And be it further enacted**, That when and ſo often as ten or more of the Freeholders of any Town ſhall ſignify under their Hands to the Select-Men their Deſire to have any Matter or Thing inſerted into a Warrant for calling a Town-Meeting, the Select-Men are hereby required, to inſert the ſame in the next Warrant they ſhall iſſue, for the calling a Town-Meeting. And that no Matter or Thing whatſoever, ſhall be voted or determin'd but what is inſerted in the Warrant for calling ſaid Meeting.

4 *W.* & *M.* ca. 19.

*Provided*, That Town-Meetings for Choice of Repreſentatives be regulated by the Select-Men, as is ordained in the fourth Year of King WILLIAM and Queen MARY.

## CHAP. V.

## An Act in Addition to the Act Intituled, An Act for regulating of Townſhips, Choice of Town-Officers, and ſetting forth their Power, made and paſſed in the fourth of *William* and *Mary*.

4 *W.* & *M.* ca. 13.

**BE it enacted and declared by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame**, That where any Perſon or Perſons is convicted of the Breach of a Town Order or By-Law before a Juſtice of the Peace, and neglect, or be unable to pay their Fine; that in every ſuch Caſe, it ſhall and may be lawful to and for ſuch Juſtice, to Order ſuch Perſon or Perſons either to ſtand committed to the Goal of the County, by the Space of twenty-four Hours, and not exceeding five Days, or be ſet in the Cage or Stocks, not exceeding the Space of four Hours.

## CHAP. VI.

## An Act in Addition to an Act Intituled, *An Act for the Settlement and Diſtribution of the Eſtates of Inteſtates*, made and paſſed in the fourth Year of the Reign of King *William* and Queen *Mary*.

4 *W.* & *M.* ca. 2.

**BE it enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame**, That where two or more have Letters of Adminiſtration granted them of any Inteſtates Eſtate, and one or more of them take all or the greateſt Part of ſuch Eſtate into his or their Hand or Hands, and refuſe to pay the Debts or Funeral Charges of ſuch Inteſtate, or come to an Accompt with the other Adminiſtrator; that then and in ſuch Caſe, it ſhall and may be lawful for ſuch Adminiſtrator aggrieved, to bring his Action of Accompt againſt the other Adminiſtrator or Adminiſtrators of the Eſtate of the Inteſtate, in his or their Hands, and recover his proportionable Part or Share of ſuch Inteſtates Eſtate, as ſhall belong or appertain unto him, after Debts, Funeral Charges, and other Dues of the Inteſtates are fully ſatisfied and paid: Any Law Uſage or Cuſtom to the contrary thereof in any wiſe notwithſtanding.

# Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the thirtieth of *May*, 1716.

## CHAP. VII.

## An Act relating to the great Bridge in *Billerica*.

Preamble. 5 *W. & M.* ca. 8.

*WHEREAS the Agents for the Towns of* Billerica *and* Chelmsford, *by Direction of the said Towns in their Petition to this Court at their present Session, have shewed forth, that there is a Great Bridge erected over* Concord-River, *in the Township of* Billerica, *and that the said Bridge was built by the Towns of* Billerica, Chelmsford *and* Groton; *and according to a former Settlement made by a Committee appointed for the Settlement of the Charge of the Bridges in the County of* Middlesex. *But the Town of* Groton, *upon Application to this Court in* 1699, *did obtain a Discharge from either building or repairing for the future, without further Order from this Court. And further it was alledged in the said Petition, that the said Bridge is fallen into such Decay, that it is no Ways profitable to Repair, or safe to Improve any longer as it now is, but that the same must of Necessity be new-built; and that it is apprehended the Charge will be so great that the Burthen will be too heavy for* Billerica *and* Chelmsford *to bear, for the Reasons therein given, which more properly ought to come under Consideration of the Justices of the Court of General Session of the Peace in the County of* Middlesex:

Be it therefore declared and enacted by the Honourable the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Matters contained in the said Petition be referred to the Consideration of the Justices of the Court of General Sessions of the Peace for the said County of *Middlesex*, at their Quarter Sessions; who are hereby fully authorized and impowred to take such Order about the said Bridge from Time to Time, and at all Times hereafter, as shall be judged meet and convenient, and to settle the Charge of the same, upon any, or every the Towns of the said County. And the Paragraph in the Law exempting the Town of *Groton*, from the Charge of the said Bridge, is hereby repealed, and made null and void.

Refer'd to the Justices of the General Sessions of the Peace for the County of *Middlesex*.

*Groton*.

## CHAP. VIII.

## An Act stating the Fees of the Custom-House Officers within this Province.

BE it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Fees to be hereafter demanded and received in the Collector's Office shall be these following, and none other.

Fees stated.

| | *l.* | *s.* | *d.* |
|---|---|---|---|
| To the Collector for a Register. *six Shillings.* | 00 | 06 | 0 |
| For endorsing the same, *two Shillings.* | 00 | 02 | 0 |
| A Certificate for Naval Stores, *three Shillings.* | 00 | 03 | 0 |
| For all Foreign Vessels entring Inwards, and Permit, *six Shillings.* | 00 | 06 | 0 |
| For the Comptroller, where any such Officer is appointed for the same, *one Shilling.* | 00 | 01 | 0 |
| To the two Waiters, *six Pence* each. | 00 | 01 | 0 |

For all Foreign Vessels clearing Outwards the same as entring Inwards.

| | | | |
|---|---|---|---|
| To the Collector a Certificate of unloading enumerated Goods, *three Shillings.* | 00 | 03 | 0 |
| To the Comptroller for the same, *one Shilling.* | 00 | 01 | 0 |
| Coasting Vessels to the neighbouring Colonies. | | | |
| Entring Inwards and permit to unload as far as *Connecticut* and *New-Hampshire, two Shillings.* | 00 | 02 | 0 |
| The same Outward, *two Shillings.* | 00 | 02 | 0 |
| Entring Inwards from *Annapolis, New-York,* and the Colonies thence to *South-Carolina,* and a Permit to the Collecter, *five Shillings.* | 00 | 05 | 0 |
| To the Comptroller, *one Shilling.* | 00 | 01 | 0 |
| Clearing Outwards the same, *six Shillings.* | 00 | 06 | 0 |
| Cocquet for European Goods to the said Provinces. | | | |
| To the Collector, *two Shillings.* | 00 | 02 | 0 |
| To the Comptroller, *one Shilling.* | 00 | 01 | 0 |
| And every Cocquet for European Goods bought at the Shops or elsewhere, (tho' including several Parcels which may be entred together by the Master) to the Collector, *three Shillings.* | 00 | 03 | 0 |
| To the Comptroller, *one Shilling.* | 00 | 01 | 0 |
| Coasters from Port to Port within this Province carrying Merchandize. | | | |
| Entring, *one Shilling.* | 00 | 01 | 0 |
| Clearing, *one Shilling.* | 00 | 01 | 0 |
| A Bill of Store, to the Collector, *one Shilling* | 00 | 01 | 0 |
| To the Comptroller, *one Shilling.* | 00 | 01 | 0 |

And that all the Roads and Harbours from *Cape-Cod* on the South-Side, (within the Bay) to *Boston,* be deemed the Port of *Boston,* until an Naval Office be settled in them.

10 *l.* Penalty.

**And be it further enacted by the Authority aforesaid,** That if any Person or Persons imployed in the said Office shall demand, or take other or greater Fees than by this Law are allowed, shall be subject to the Penalty of *ten Pounds,* as is provided by an Act, Intituled, *An Act for regulating Fees, made and passed in the fourth Year of the Reign of King* William *and Queen* Mary. Or shall illegally delay or defer entring or clearing any Ship or Vessel, and dispatching any Merchant in their Course; such Officer so offending shall be liable to Cost and double Damages, being thereof duly convicted in any of his Majesty's Courts of Record within this Province. And every Officer in this Province shall have a List of Fees hanging up in his Office on the said Penalty.

Officers offending liable to Cost.

## CHAP. IX.

### An Act in Addition to the Act for Regulating Fees, made and passed in the fourth Year of King *William* and Queen *Mary*; stating the Fees of the Officers of the Court of Admiralty.

4 *W. & M.* ca. 18.

**BE it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That the Fees to be hereafter demanded and received in the Court of Admiralty, shall be these following, and none other.

Admiralty Fees stated.

| | *l.* | *s.* | *d.* |
|---|---|---|---|
| For Condemnation of every Prize above one Hundred Tuns, *fifteen Pounds.* | 15 | 00 | 0 |
| Condemnation of every Prize under one Hundred Tuns, *ten Pounds.* | 10 | 00 | 0 |
| Every Summons for Trial, to the Register, *two Shillings.* | 00 | 02 | 0 |
| To the Marshal for serving, *four Shillings.* | 00 | 04 | 0 |

Filing

| Filing and allowing every Libel. | | | |
|---|---|---|---|
| To the Judge, *six Shillings and eight Pence.* | 00 | 06 | 8 |
| To the Register, *six Shillings.* | 00 | 06 | 0 |
| Every definitive Decree, to the Judge, *one Pound.* | 01 | 00 | 0 |
| To the Register, recording, *six Shillings and eight Pence.* | 00 | 06 | 8 |
| To the Marshal and Cryer, *eight Shillings.* | 00 | 08 | 0 |
| Filing Papers, examining and taxing Cost, to the Judge, *two Shillings.* | 00 | 02 | 0 |
| The Register, *two Shillings.* | 00 | 02 | 0 |
| A Warrant of Apprizements, to the Register, *six Shillings.* | 00 | 06 | 0 |
| A Warrant to take up Deserters, Run-aways, *&c.* to the Register, *six Shillings.* | 00 | 06 | 0 |
| For every Copy of Record, *twelve Pence* per Page, twenty-eight Lines to a Page, and eight Words to a Line. | | | |
| The Attorney or Advocates Fees, *twelve Shillings.* | 00 | 12 | 0 |

And be it further enacted by the Authority aforesaid, That if any Person or Persons imployed in the said Court shall demand or take other or greater Fees than by this Law are allowed; he or they shall be subject to the Penalty in said Act provided, and shall be liable to Cost and double Damages, being thereof duly convicted in any of his Majesty's Courts of Record within ths Province.

Persons taking unlawful Fees liable to Costs and Damages, *&c.*

## CHAP. X.

## An Act in further Addition to an Act Intituled, *An Act relating to Sureties upon Mean Process in Civil Actions*, made and passed at a Session of the General Court or Assembly the eighth of *November*, 1693. in the fifth Year of the Reign of King *William* and Queen *Mary*.

WHEREAS *in the said Act it is provided,* "That all Writs of *Scire Facias* shall be taken out and served upon the Sureties within twelve Months after the first Trial, and not afterwards." *And forasmuch as in several Counties within this Province, the Superiour Court of Judicature, Court of Assize and General Goal Delivery, is held and kept but once within twelve Months, whereby the Party or Parties that recover Judgment at such Superiour Courts, can have no Benefit of the said Act:*

5 *W. & M.* ca 5. 4 *A.* ca. 3.

Be it therefore enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That Writs of *Scire Facias* may be taken out and served upon Sureties for the Space of two Years after the Trial, upon an Appeal in all such Counties where a Superiour Court of Judicature *&c* is held but once in a Year. Any Law, Usage or Custom to the contrary notwithstanding.

Writs of *Scire Facias* served upon Sureties within two Years after Trial.

# Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the thirtieth of *May*, 1716. And continued by several Prorogations unto Wednesday the seventh Day of *November* following, and then met.

## CHAP. I.

## An Act for setling of Grants.

WHEREAS *sundry Grants of Lands have been made by the General Court at divers Times unto particular Persons, of which Grants, the greatest Part has been taken up, but some may be yet standing out:*

Preamble.

Persons to bring in their Grants within three Years.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That all Persons claiming a Right to any Tract or Tracts of Land by Grant from the General Court, and not yet laid out, shall within the Space of three Years from the Publication of this Act bring a Copy of their Grant to the General Assembly of this Province, in order to have the same laid out and confirmed to them; and all such as neglect or refuse to bring in their Claims, as aboveſaid, shall forfeit their Right to such Grants.

Proviso.

*Provided*, This Act be not understood to bar the Title of any Infant, Feme Covert, or Person *non Compos mentis*, imprisoned, in Captivity, or beyond the Seas; who shall be allowed the Term of three Years after such Imperfection removed, to pursue their Claim and Challenge to any Grants of Lands so made to them or their Predecessors; any Thing in this Act to the contrary notwithstanding.

## CHAP. II.

## An Act in Addition to the Act, Intituled, *An Act for the better Observation and keeping of the Lords-Day*, made and passed by the Great and General Court or Assembly at a Sessions held at *Boston*, the 12th Day of *October*, 1692. In the fourth Year of the Reign of their late Majesties, King *William* and Queen *Mary*.

4 *W. & M.* ca. 8.

*WHEREAS in and by the said Act, it is declared*, "That no Tradesman, Artificer, Labourer, or other Person whatsoever, shall upon "the Land or Water do or exercise any Labour, Business or Work "of their ordinary Callings, nor use any Game, Sport, Play, or Recreation on "the Lord's-Day, or any Part thereof (Works of Necessity and Charity only "excepted) upon Pain that every Person so offending, shall forfeit *five Shillings*: "*And further*, That no Traveller or Drover, Horse Courser, Waggoner, "Butcher, Higler, or any their Servants shall travel on that Day or any Part "thereof, except as by the said Law is excepted, upon the Pain of *twenty* "*Shillings*: *Notwithstanding which many Persons do presume to work and travel on the said Day*:

For the more effectual preventing such immoral and irreligious Practices:

Penalty of 10*s* on Labourers, &c. and 20*s*. on Travellers for the first Offence.

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That whoever shall for the future contrary to the said Act, do or exercise any Labour, Business, or Work of their ordinary Callings, or use any Game, Sport, Play or Recreation on the Lord's Day, or any Part thereof, shall forfeit and pay the Sum of *ten Shillings*; and all Persons travelling contrary to the said Act, the Sum of *twenty Shillings*, for the first Offence; and upon a second Conviction of either of the aforesaid Offences double the respective Sums afore-mentioned, and be also bound with Sureties for their good Behaviour to the next Sessions of the Peace in such County where said Offenders shall be convict. And that if any Person being able of Body and not otherwise necessarily prevented, shall for the Space of one Month together absent themselves from the public Worship on said Day the Grand Jurors are hereby directed and required to present such Person to the General Sessions of the Peace, who unless they can make Proof they have not so absented themselves, but have attended divine Worship in some public Assembly, shall forfeit and pay the Sum of *twenty Shillings*. And in Case any of the Offenders mentioned in this Act shall be unable or refuse to satisfy their Fine; they shall be adjudged to be set in the Cage or Stocks, not exceeding three Hours, according to the Discretion of the Justices.

Persons to be presented that shall for one Month Neglect to attend the publick Worship.

Penalty 20*s*.

Be

Be it further enacted by the Authority aforesaid, That the Fines and Penalties arising by this Act shall be disposed as by the said Law is already provided: Any Law, Usage or Custom to the contrary notwithstanding. Fines how disposed of.

## CHAP. III.

## An Act in Addition to the Act, Intituled, *An Act for the punishing Criminal Offenders.*

*WHEREAS when any Person is apprehended for Theft or Robbery, and admitted to Bail, the Recognizance is only to the King, to answer for the Crime, whereby (in Case the Offender doth not appear but make Default) the Party injured loseth the Benefit of an Act, Intituled,* An Act for the punishing Criminal Offenders; *which gives the Party injured treble Damages upon Conviction:* 4 W. & M. ca. 6.

For Remedy whereof:

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That if any Person shall be apprehended for any of the Crimes mentioned in those Paragraphs of the abovesaid Act which relate to Theft or Robbery, and be admitted to Bail, he shall not only recognize to the King's Majesty for his Appearance at the Court in said Recognizance mentioned, to answer for his Crime; but shall also enter into another Recognizance with sufficient Sureties to the Party injured, for treble of the Money, Goods or Chattles which he shall be charged with Stealing. And if the said Offender shall make Default, and not appear to take his Trial according to his Recognizance; in such Case the said Recognizance shall be declared forfeited by the Court where the said Criminal ought to have been tried, and the Party injured shall recover treble Damages against the Sureties, for so much as can be made appear to be stolen, as if the Offender had put himself on his Trial, and had been convict; Any Law, Usage or Custom to the contrary notwithstanding. Persons apprehended for Theft, &c. admitted to Bail shall not only recognize to the King but also recognize with Sureties to the Person injured, &c.

## CHAP. IV.

## An Act in Addition to *An Act for the orderly consummating of Marriages*, made and pass'd in seventh Year of the Reign of King *William* the Third.

*WHEREAS in and by the said Act, it is provided,* "That no Person other than a Justice of the Peace, and that within his own County only; or ordained Minister, and that only in the Town where he is setled in the Work of the Ministry; shall or may presume to join any Persons together in Marriage: Nor shall any Justice or Minister join any Persons in Marriage other than such, one or both of whom are Inhabitants or Residents in such County or Town respectively: 4 W. & M. ca. 10.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Power granted Ministers to join Persons together in Marriage be hereby enlarged; so as that where there shall be no setled ordained Minister in any Town or Precinct, or where the only setled ordained Minister of any Town or Precinct is himself to be married: It shall and may be lawful in such Cases for the next setled ordained Minister in another Town, within the same County, to join in Marriage the Minister or Inhabitants of such Town or Precinct destitute of such setled ordained Minister, if such Minister or Inhabitants desire it; according to the Rules prescribed by the Laws of this Province, for the consummating Marriages. Ministers Power to marry enlarged.

And

Allowance of 4 *Shillings.*

And be it further enacted by the Authority aforesaid, That every Juſtice or Miniſter ſhall have *four Shillings* for each Marriage, and pay out of it *ſix Pence* to the Town Clerk, when they return their Certificate to him.

*And whereas there is great Failure in returning Certificates of Marriages to the Town Clerk:*

10*s.* Fine.

Be it enacted, That each Juſtice or Miniſter neglecting to make due Return to the Town Clerk, as the Law directs; every of them ſhall pay a Fine of *ten Shillings* for ſuch Neglect.

Town Clerk to give in to the Clerk of the Seſſions a Liſt of all Marriages.

And be it further enacted, That every Town Clerk ſhall give in a true Liſt of all Marriages returned to him by the Juſtices and Miniſters reſpectively, unto the Clerk of the Seſſions of the Peace in each County, ſometime in the Month of *April* yearly, and every Year; upon the Penalty of forfeiting *twenty Shillings* Fine, for every Neglect. And every Town Clerk ſhall pay *two Pence* to the Clerk of the Peace, for every Marriage returned by him, as aforeſaid; which ſhall be the Fee for the Clerk of the Peace for his recording the ſame. And each Fine is to be recovered by Bill, Plaint or Information in any Court of Record.

Proviſo.

*Provided*, That every Juſtice of Peace, or Miniſter, authorized to join Perſons together in Marriage, every Clerk of the Peace and Town Clerk reſpectively, may be proſecuted upon this or any former Act relating to Marriages, within two Years after the Offence committed, and not afterwards: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

## CHAP. V.

## An Act for the more effectual preventing Default in the Appearance of Jurors.

7 *W.* ca. 4.

Preamble.

*WHEREAS the Mulcts or Fines ſet upon Jurors for not appearing and attending the ſeveral Courts of Juſtice within this Province, whereto they are reſpectively choſen and ſummoned, are by Law limited to the Sum of* forty Shillings, *by Reaſon whereof Perſons moſt able and beſt qualified to perform that Duty oft-times chooſe rather to incur and undergo ſo ſmall a Penalty than to perform that Service, which hath proved a general Inconvenience, tending greatly to the Damage of many Perſons in Caſes of the greateſt Moment and Concern, as well as very much retarding the Buſineſs and Affairs of the ſeveral Courts:*

For Remedy whereof:

Superiour & Inferiour Court to ſet Fines on Jurors that make Default.

Be it enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That the Juſtices of the Superiour Court of Judicature, Court of Aſſize and General Goal Delivery, and the Juſtices of the Inferiour Court of Common Pleas, and of the General Seſſions of the Peace reſpectively, ſhall and hereby are required to ſet reaſonable Fines upon all Jurors duly returned to ſerve in the ſaid Courts, that make Default, unleſs neceſſitated thereto, by Reaſon of Sickneſs, or ſome other extraordinary Lett or Hindrance; not leſs than the Sum of *four Pounds*, nor exceeding the Sum of *ſix Pounds* each at the Diſcretion of the ſaid Juſtices: And to cauſe the ſame to be levied and diſpoſed of as by Law provided.

Petty Juries Allowance 13 *Shillings.*

And be it further enacted, That the Fee or Allowance to be paid to the Petty Jury for each Verdict ſhall be *thirteen Shillings*: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

# Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and held at *Boston* upon Wednesday the twenty-ninth of *May*, 1717.

## CHAP. VI.

## An Act in Addition to and Explanation of two Acts referring to the Regulating of Fees, &c.

WHEREAS *in the first Act for regulating of Fees, made in the fourth Year of King* William *and Queen* Mary, *there is an Article of* two Shillings *and* six Pence *in the Secretary's Fees, for every Order of Council to the Benefit of particular Persons, under Pretence whereof Demand has been made in the said Office for the said Sum even for Orders for the Payment of the public and just Debts of the Government:* Preamble.

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That for the future no Fee whatsoever be or shall be due or demanded for any Order of the Governour and Council for the Payment of any public Debt, of, and from the Government.

And be it further enacted by the Authority aforesaid, That the Fee for any Petition to the Governour and Council referring to any Debt of the Province, as aforesaid, be *two Shillings* and *six Pence* and no more. 4 *W.* & *M.* ca. 18.

*And whereas in the late Act made in the first Year of his present Majesty's Reign, Intituled,* An Act in Addition to the Act for Regulating of Fees, *under Pretence of the Word* Copying, *all and every Matter and Thing whatsoever, (in the said Act) Demand has been made of Money or Fees, even for rough Draughts, and preparatory Copies, for the Use of the Publick, when the said Act was designed only for such Copies had and taken for private Use:* 1 *G.* ca. 5.

Be it therefore further enacted by the Authority aforesaid, That no Fee whatsoever shall be due or demanded in the said Office for any other Copies or copying, than such as are taken from fair Entries, Registers or Records, and those only for a private Use, and not for the Service of the Govenment: Any Law, Usage or Custom to the contrary notwithstanding.

## CHAP. VII.

## An Act in Addition to an Act Intituled, *An Act relating to the Duty and Office of a Coroner*, made in the twelfth Year of King *William* the Third.

WHEREAS *in and by the said Act, the Coroners of the several Counties of this Province, are impowred to serve and execute all Writs and Processes directed unto them against the Sheriffs of the same County: But no Provision is therein made to serve any Writ or Process wherein a Sheriff of the same County is or may be Plaintiff, and so a Failure of Justice may happen, if not Remedied:* 12 *W.* ca. 6.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when and so often as the Sheriff or Sheriffs of any of the Counties within this Province, their Under-Sheriffs or Deputies, or any of them, are or may be concerned as Plaintiff, Complainant or Defendant in any Writ, Action or Process: That in such Case the Coroner of the same County shall be, and hereby is impowred to serve and execute the same: Any Law, Usage or Custom to the contrary notwithstanding. Coroners impowred to serve Writs in Case &c. Additional Act. 12 *G.* ca. 4.

CHAP.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and held at *Boſton*, upon Wedneſday the twenty-eighth of *May*, 1718.

## CHAP. I.

## An Act in Addition to an Act paſs'd in the firſt Year of Queen *Anne*, Intituled, *An Act more effectually providing for the Support of Miniſters.*

1 *A.* ca. 3.

*WHEREAS in and by the ſaid Act a Power is provided and given to the Select-Men of any Town from which any Diſtrict or Precinct is ſet off, to aſſeſs the Inhabitants of the ſame, the Sums agreed on for the Support of the Miniſter, in Caſe the Aſſeſſors of ſuch Precinct ſhall neglect or refuſe to do the ſame, but no like Power with Reference to the Charge of building or repairing of the publick Meeting-Houſes for the Worſhip of GOD, veſted either in the Aſſeſſors or the Select-Men:*

Aſſeſſors impowred to raiſe & aſſeſs Money for building Meeting-Houſes.

**Be it enacted by his Excellency the Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,** That when and ſo often as the major Part of the Inhabitants of any Precinct or Diſtrict have, or at a Meeting of the ſame legally warned, ſhall agree on the building, finiſhing or repairing of any publick Meeting-Houſe; or the defreying any other neceſſary Charge for the Support of the Worſhip of GOD, and agree on any Sum or Sums of Money for that Purpoſe, the Aſſeſſors of ſuch Precinct or Diſtrict are hereby impowred to aſſeſs and raiſe the ſame on their reſpective Inhabitants; and in Caſe ſuch Aſſeſſors ſhall neglect or refuſe ſo to do, then and in that Caſe the Select-Men of the Town from which ſuch Precinct or Diſtrict is derived, are hereby impowred and required to aſſeſs the Inhabitants of ſuch Precinct or Diſtrict the Sum or Sums of Money ſo agreed on, to be collected and levied in like Manner as is directed in and by ſaid Act: And all regular or legal Precincts or Diſtricts are hereby alſo impowred to chuſe a Committee or other Officers for the better Management of the Affairs of their reſpective Diſtrict or Precinct as aforeſaid.

Inhabitants of any Town from which ſeveral Diſtricts are ſet off, their Power.

**And be it further enacted by the Authority aforeſaid,** That in all ſuch Towns where there are or ſhall hereafter be one or more Diſtricts or Precincts regularly ſet off; the remaining Part of ſuch Town ſhall be, and are hereby deemed, declared and conſtituted an entire, perfect Diſtrict, Pariſh or Precinct (and the firſt or principal of ſaid Town) and the Inhabitants thereof to have full Power to chooſe a Committee for the Regulation and Management of all Affairs relating to the Support of the publick Worſhip of GOD, and for

7 *G.* ca. 7.

the chuſing all neceſſary and proper Officers in and for the ſaid Precinct, Pariſh or Diſtrict, and further to have all ſuch Powers and Priviledges as by any of the Laws of this Province are given or annexed to any Diſtrict or Precinct: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

## CHAP. II.

## An Act in Addition to the ſeveral Acts for Settlement and Support of School-Maſters, &c.

4 *W.* & *M.* ca. 11. 13 *W.* ca. 20.

*WHEREAS notwithſtanding the many good and wholeſome Laws of this Province for the encouraging of Schools, and the Penalty firſt of* ten Pounds, *and afterwards increaſed to* twenty Pounds, *on ſuch Towns as are obliged to have a Grammar School-Maſter, and neglect the ſame: Yet by ſad Experience it is found that many Towns that not only are obliged by Law, but very able to ſupport a Grammar School, yet chuſe rather to incur and pay the Fine or Penalty than maintain a Grammar School:*

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Penalty or Forfeiture for Non-observance of the said Law henceforth shall be *thirty Pounds* on every Town that shall have the Number of one Hundred and fifty Families, and *forty Pounds* on every Town that shall have the Number of two Hundred Families, and so *pro rato* in Case the Town consist of two Hundred and fifty, or three Hundred Families: To be recovered, paid and employed in Manner, and to the Use as by the Law is directed: Any Law, Usage or Custom to the contrary notwithstanding. Penalty.

## CHAP. III.

### An Act in further Addition to an Act, Intitled, *An Act for Regulating Fences, Cattle, &c.*

5 *W. & M.* ca 9. and References.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That in any and every Town of this Province where several Allotments of Upland and Meadow are inclosed and fenced in one general Field, or where there have been so inclosed, fenced and improved, or where all the Proprietors of such Land shall hereafter see cause to inclose, fence and improve the same in such Manner, the Proprietor or Proprietors of each Lot respectively during the Time of his or their Feeding, Planting, Mowing or otherwise improving his Part in such general Field, shall make and maintain his or their respective Part of the whole Fence, according to the Quantity of Acres of Land contained in his or their Allotment, until the major Part of the Propriety shall see Cause to alter the Form of their Improvement, at a Meeting of such Proprietors legally warned for that Purpose: And for the better enabling such Proprietors to call a Meeting for the Ends aforesaid, it shall be in the Power of any Justice of the Peace for the County where such Lands lie, upon Application to him made by any of the two Proprietors of such general Fields, to issue out a Warrant for such Meeting, according to the Form of an Act made and passed in the twelfth Year of Queen *Anne*, directing how Meetings of Proprietors of Lands lying in Common, may be called; the whole general Fence to be measured, and each Man's Part to be set out and apportioned by two or three discreet indifferent Persons appointed and sworn for this Purpose, by any Justice of the Peace for the said County, excepting the major Part of the Propriety agree and proportion the same among themselves.

Fences how to be maintained.

Justice of Peace upon Application, to call a Meeting of Proprietors.

Each Proprietors Proportion in general Fence to be entred by the Clerk of the Propriety, or Town Clerk.

And when the Proportion of each Proprietor in such general Fence is adjusted and determined, the same shall be entred upon Record by the Clerk of the Propriety; and where there is no such Clerk, by the Clerk of the Town where the Land lies: Any Law, Usage or Custom to the contrary notwithstanding.

## CHAP. IV.

### An Act for the further Regulation of Ferries.

Preamble. 6 *W. & M.* ca. 6. and References.

*WHEREAS notwithstanding the Provision already made for the speedy Transportation of all Travellers and Passengers over the Ferry at* Winnisimmit, *yet thro' the Misconstruction of the said Law, Persons are unreasonably delayed and kept from passing said Ferry, until the Return of the Boat from the opposite Side, so that in effect the Benefit proposed in having three Boats is lost:*

Therefore for Remedy thereof, and that all Passengers may be transported speedily:

Two Boats to be always paſſing upon the Water.

Be it enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That two of the three Boats appointed for the Service of the ſaid Ferry, ſhall be always paſſing on the Water, from Side to Side, and as one of the Boats puts off from either Side, the Boat on the contrary Side ſhall be obliged to put off; unleſs the Weather be Stormy, or not ſafe for the Paſſengers; nor ſhall any Perſons who want a Paſſage croſs ſaid Ferry when to the Number of five be delay'd, under the Penalty of *twenty Shillings*.

Ferry-men to keep plank'd Trucks on each ſide the Water.

Penalty.

And be it further enacted, That at *Charleſtown*, *Winniſimmit*, *Salem* and *Newbury* Ferries, there be hence-forth provided and kept on each Side of the Water, by the Ferry-Men of the reſpective Ferries, a Pair of plank'd Trucks of a ſufficient Breadth, for the ſafe and more convenient paſſing of Coaches, Calaſhes, Horſes and Cattle in and out of the Ferry-Boats, on the Penalty of *ten Shillings* for every three Months Neglect, to be recovered before any of his Majeſty's Juſtices of the Peace in the County, by any Perſon who ſhall inform, and ſue for the ſame: Any Law, Uſage or Cuſtom to the contrary hereof notwithſtanding.

## CHAP. V.

## An Act for the better Regulating the Culling of Fiſh.

Preamble.

*WHEREAS thro' the Careleſsneſs or Ignorance of Perſons who undertake to Cull Fiſh, without being choſen and Sworn to the faithful Diſcharge of that Truſt, many great Abuſes have happened to the Buyers thereof:*

For the Prevention whereof for the future:

Cullers of Fiſh to be choſen at *March* Meeting annually.

Penalty for Culling without being choſen and Sworn.

Be it enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That there ſhall henceforth be Annually choſen in every Sea-Port Town or Place within this Province, where Fiſh is made and cured, at their Annual Meeting in *March*, a ſuitable and ſufficient Number of Cullers of Fiſh, and that no Perſon or Perſons ſhall preſume to Cull any Fiſh, upon any Pretence whatſoever, without being choſen and Sworn according to this Law, upon Pain of forfeiting *ten Pounds* for every ſuch Offence. And each Culler ſhall have due Regard in Culling of all Fiſh to the Contract or Agreement between the Buyer and Seller, with reſpect to the Seaſon of Year wherein ſuch Fiſh was made and cured.

Penalty for Shiping off Fiſh without being Surveyed or Culled.

Penalty for Maſters taking ſuch Fiſh on Board.

And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall preſume to Ship off any Merchantable Fiſh whatſoever, without being firſt Surveyed or Culled by a Sworn Culler, on the Penalty of forfeiting ſuch Fiſh. And every Maſter of any Ship or other Veſſel is hereby ſtrictly prohibited from receiving or taking on Board his Ship or Veſſel any Merchantable Fiſh, in order to be Tranſported beyond Sea, until ſuch Fiſh be firſt ſurveyed by a Sworn Culler, under the Penalty of *five Shillings* Fine for every Quintal of Fiſh ſo received or taken on Board. And all Cullers ſo choſen by any Town or Place, ſhall each and every of them be Sworn as follows, *viz.*

Cullers Oath.

I A. B *do Swear, That I will faithfully and impartially to the beſt of my Judgment, perform the Duty and Office of a Culler of Fiſh for the Year enſuing, and that I will always have a Regard to the Particulars mentioned in this Act.* So help me GOD.

Proviſo.

*Provided nevertheleſs*, when it ſhall ſo happen, That the Sworn Cullers cannot be obtained, that then it ſhall and may be lawful for the Buyer and Seller to agree upon ſome meet Perſon to be a Culler, in ſuch Caſe provided he be under the ſame Oath and Reſtrictions as the Cullers aboveſaid.

And

And be it further enacted, That all Forfeitures and Penalties ariſing by Force and Virtue of this Act ſhall be diſpoſed of, one half to the Poor of the the Place where the Offence ſhall be committed, and the other half to the Informer, or to him or them that ſhall ſue for the ſame, in any of His Majeſty's Courts of Record within this Province. Fines how to be diſpoſed of.

## CHAP. VI.

## An Act in Addition to the Act for preventing Abuſes to the *Indians*, made in the twelfth Year of King *William*.

*WHEREAS notwithſtanding the Care taken and provided by ſaid Act, a great Wrong and Injury happens to ſaid Indians Natives of this Country, by Reaſon of their being drawn in by ſmall Gifts, or ſmall Debts, when they are in Drink and out of Capacity to Trade, to ſign unreaſonable Bills, or Bonds for Debts, which are ſoon ſued, and great Charge brought upon them, when they have no Way to pay the ſame, but by Servitude:* 12 *W.* ca. 10.

Be it therefore enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That from and after the Publication of this Act, no Bill, Bond or other Specialty in writing, given by any *Indian*, on any Contract whatſoever, ſhall be deemed good, or be recoverable againſt any *Indian* Native of this Province, unleſs ſuch Bill, Bond or Specialty be entred into before any two of His Majeſty's Juſtices of the Peace, in the County where ſuch *Indian* lives, and both to be preſent together when the ſaid Bill, Bond or Specialty is executed by the ſaid *Indian*, and approbated by the ſaid Juſtices, who are therefore to take Care of the Equity and Reaſonableneſs of ſuch Bill, Bond Bargain or Contract. No Bill, *&c.* given by any *Indian* to be good, unleſs entered into before two Juſtices, both being preſent.

And be it further enacted, That henceforth no *Indian* ſhall contract, or put him or her Self or Child, Apprentice or Servant, for any Time or Term of Years, but by and with the Allowance and Approbation of two of His Majeſty's Juſtices of the Peace (in the County where ſuch *Indian* lives:) And the Indenture to be allowed of and approved by the ſaid Juſtices at the ſame Time, and when together: Any Law, Uſage or Cuſtom to the contrary notwithſtanding. No Contract for Service of any *Indian* to be good, unleſs as above.

## An Act,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and Held at *Boſton*, upon Wedneſday the twenty-eighth of *May*, 1718. And continued by ſeveral Prorogations unto Wedneſday the twenty-ninth Day of *October* following, and then met.

## CHAP. I.

## An Act for the preventing of Perſons under Age, Apprentices or Servants, being tranſported out of the Province, without the Conſent of their Maſters, Parents or Guardians.

*WHEREAS it has been complained of that Perſons under Age, Apprentices and Servants within this Province, do often-times get on Board the outward Bound Veſſels, and are there entertained by the Maſters or Mariners, and actually tranſported to ſome Parts beyond the Seas, not only to the great Loſs and Injury of their reſpective Maſters, &c. but alſo to the Damage of the Province:* Preamble.

Masters of Ships not to carry off any Servants or Sons under Age. 7 *W.* ca. 3.

Penalty £5c.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That every Master of any outward bound Ship or Vessel that shall hereafter carry or transport out of this Province any Person under Age, or bought or hired Servant, or Apprentice, to any Parts beyond the Seas, without the Consent of such Master, Parent or Guardian signified in Writing, shall forfeit the Sum of *fifty Pounds*; the one Half to and for the Use of the Province, the other Half to and for the Use of him that shall inform or sue for the same; and be further liable to an Action in the Law, at the Suit of the Parent, Master or Owner of such transported Person, for any Damages sustained by him or them.

## An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and held at *Boston*, upon Wednesday the twenty-seventh Day of *May*, 1719.

### CHAP. II.

### An Act in further Addition to an Act for erecting a Powder House in *Boston*.

5 *A.* ca. 3. 2 *G.* ca. 1.

*WHEREAS Gun-Powder in great Quantities is imported and exported at the Port of* Boston, *and the Ships or Vessels in which such Powder commonly is, lie at the Wharffs near to the Ware-Houses, and Dwelling Houses of the Inhabitants of the Town of* Boston *aforesaid, being often grounded, whereby in Case of Fire, the Lives and Estates of His Majesty's good Subjects are in great Danger, as well as able-bodied and well disposed Persons discouraged and affrighted from giving their Assistance, and using any Endeavours for the Extinguishment thereof:*

No Gun-Powder to be kept in Vessels lying at a Wharff.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That from and after the Publication of this Act no Gun-Powder shall be kept on Board any Ship or other Vessel, lying to or grounded at any Wharff within the Port of *Boston*. And if any Gun-Powder shall be found on Board such Ship or Vessel lying a-ground as aforesaid, such Powder shall be liable to Confiscation, and under the same Penalty as if it were found lying in any House or Ware-House.

Gun-Powder not to be carried on Trucks.

And be it further enacted by the Authority aforesaid, That no Powder be carried thro' any Town upon Trucks, under the Penalty of *ten Shillings* per Barrel, for every Barrel of Powder so conveyed, and so proportionably for smaller Cask.

To be kept in Brass or Tin Tunnels.

And be it further enacted by the Authority aforesaid, That such Quantity of Gun-Powder as by Law is permitted and allowed to be kept in Shops for Retail, shall hereafter be kept in Brass or Tin Tunnels, and no otherwise, under the Penalty of forfeiting all such Gun-Powder; one Moiety thereof to be to the Use of the Poor of the Town where such Powder shall be found, and the other Moiety to them that shall inform and sue for the same: And that the Fire-wards of the Town of *Boston*, for the Time being, be and hereby are directed strictly to observe and put this Law in Execution: Any Law, Usage or Custom to the contrary notwithstanding.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and held at *Boſton* upon Wedneſday the twenty-ſeventh of *May*, 1719. And continued by ſeveral Prorogations unto Wedneſday the fourth Day of *November* following, and then met.

## CHAP. I.

## An Act for the ſuppreſſing of Lotteries.

Preamble.

*WHEREAS there have been lately ſet up within this Province certain miſchievous and unlawful Games, called Lotteries, whereby the Children and Servants of ſeveral Gentlemen, Merchants and Traders, and other unwary People, have been drawn into a vain and fooliſh Expence of Money; which tends to the utter Ruin and Impoveriſhment of many Families, and is to the Reproach of this Government, and againſt the common Good, Trade, Welfare and Peace of the Province:*

For Remedy whereof:

Lotteries a publick Nuſance.

Be it enacted, adjudged and declared, and it is hereby enacted, adjudged and declared, by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That all ſuch Lotteries, and all other Lotteries, are common and publick Nuſances.

£.200 Forfeiture for Setting up Lotteries. 6 G. 2. ca. 4. 26 G. 2. ca. 1.

And it is further enacted by the Authority aforeſaid, That from and after the Publication of this Act, no Perſon or Perſons whatſoever, ſhall publickly or privately exerciſe, keep open, ſhow or expoſe to be play'd at, drawn at, or thrown at, or ſhall draw, play, or throw at, any ſuch Lottery, or any other Lottery, either by Dice, Lotts. Cards, Balls, or any other Numbers or Figures, or any other Way whatſoever: And every Perſon or Perſons that ſhall after the Publication of this Act, as aforeſaid, exerciſe, expoſe, open or ſhow to be played, thrown or drawn at any ſuch Lottery, Play or Device, or other Lottery, ſhall forfeit for every ſuch Offence the Sum of *two Hundred Pounds*, to be recovered by Information, Bill, Plaint or Action at Law, in any of His Majeſty's Courts of Record within this Province, wherein no Eſſoin, Protection, or Wager of Law ſhall be allowed: one Half thereof to be to the King's Majeſty, to be applied towards the Support of this Government, and the other Half to him or them that ſhall inform and ſue for the ſame.

£.10 Forfeiture for drawing at Lotteries.

And be it further enacted, That every Perſon or Perſons that after the Publication of this Act as aforeſaid, ſhall play, throw, or draw at any ſuch Lottery, Play or Device, or other Lotteries, ſhall forfeit for every ſuch Offence, the Sum of *ten Pounds*, to be recovered by Information, Bill, Plaint or Action at Law, in any of His Majeſty's Courts of Record within this Province, wherein no Eſſoign, Protection or Wager of Law ſhall be allowed; one half Part thereof to be to the King's Majeſty, to be applied towards the Support of this Government, and the other Half to him or them that ſhall inform and ſue for the ſame.

Officers to prevent Lotteries.

And be it further enacted by the Authority aforeſaid, That for the more effectual ſuppreſſing and preventing ſuch unlawful Lotteries, the Juſtices of the Peace, Sheriffs, Under-Sheriffs, Sheriffs Deputies and Conſtables, within their reſpective Juriſdictions, be impowred and required to uſe their utmoſt Endeavours to prevent the drawing of any ſuch unlawful Lottery heretofore, or hereafter to be ſet up, by all lawful Means whatſoever.

CHAP.

CHAP. II.

An Act in further Addition to and Supplement of an Act Intituled, *An Act for making Lands and Tenements liable to the Payment of Debts*, made and passed in the eighth Year of King *William*.

8 *W.* ca. 3.

Real Estates of Debtors liable to Executions.

BE it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when any Person or Persons shall recover Judgment in any of His Majesty's Courts within this Province for any Sum or Sums of Money, or any other Specie, or for Costs of Suit, and the Person or Persons against whom Judgment shall be recovered, is either unwilling or unable to satisfy such Judgment by Money or other Specie, and the Creditor or Creditors finding no other personal Estate to his or their Acceptance to extend Execution upon for Satisfaction thereof, and doth therefore think fit to levy upon the Real Estate of such Debtor or Debtors for the End aforesaid, rather than on the Person of the Debtor; that then and in every such Case, the Sheriff, Under-Sheriff or Deputy, shall cause three indifferent discreet Men, being Freeholders in the County, one to be chosen by the Creditor or Creditors, one by the Debtor or Debtors, if he or they see Cause, and the third by the Sheriff or other Officer that shall serve the same, to be sworn before one or more of His Majesty's Justices in said County, faithfully and impartially to apprize such Real Estate, as shall be shewn to them, who shall apprize the same to satisfy the Execution, with all Fees, and set out such Estate by Meets and Bounds; and the Sheriff or other Officer shall deliver Possession and Seizen thereof to the Creditor or Creditors, his or their Attorney; which being returned and recorded in the Clerk's Office of the Court out of which the same issued, shall make a good Title to such Creditor or Creditors, his or their Heirs and Assigns in Fee: *Saving*, Equity by Redemption as by Law is prescribed. And when it so happens that the Real Estate extended upon cannot be divided and set out by Meets and Bounds, as before prescribed, that then Execution shall be extended upon the Rents of such Real Estates and Seizen given thereof to the Creditor or Creditors, his or their Attorney, and cause the Person or Persons in the Possession and Improvement to attorn and become Tenant or Tenants to such Creditor or Creditors, and to pay their Rents to him or them accordingly; and upon refusal thereof to turn the Person or Persons out of the Possession thereof, and give Livery, Seizen and Possession of the same to the Creditor or Creditors to hold and enjoy all such Real Estate to him or them, their Heirs or Assigns, till the Judgment, Interest and Fees be fully satisfied and paid, reserving thereout the Widows Thirds or Dower, if any there be.

Saving Equity of Redemption.

Execution to be extended on Rents.

Proviso.

*Provided always*, That it shall and may be lawful for any Debtor or Debtors, his or their Heirs, Executors or Administrators at any Time or Times before the Judgment, with the Interest and Charges be fully satisfied, to tender and pay to the Creditor or Creditors, his or their Heirs or Assigns, the full remainder of the Debt, Interest and Charges, who is obliged to accept thereof, and surrender up all such Real Estate to the Debtor or Debtors, his Heirs, Executors or Administrators, and deliver up peaceable and quiet Possession thereof.

And be it further enacted by the Authority aforesaid, That an Act made and passed in the second Year of his present Majesty, Intitled, *An Act in further Addition to an Act Intitled, An Act for making Lands and Tenements liable to the Payment of Debts*, made and pass'd in the eighth Year of the Reign of King *William*: And all and singular the Clauses, Paragraphs, Articles, Directions, Matters and Things in the said Act contained, be, and hereby are repealed, made null and void.

Proviso

*Provided always*, That all Real Estates taken in Execution and levied upon, and all other Acts and Things done pursuant to and by Virtue of the aforesaid Law, notwithstanding the Repealing hereof, shall be held good and effectual

to

to all Intents and Purposes: And whoever is in the Possession of any Real Estate by Means thereof, it shall be a good Estate in Fee to him or them, their Heirs and Assigns: Any Law, Usage or Custom to the contrary thereof notwithstanding.

*Provided also*, That nothing in this Act contained, shall extend to the Lands owned by the *Indian* Natives of this Province. Proviso.

## CHAP. III.

## An Act for the Regulation of the Decrees and other Proceedings of the several Judges of Probate in the respective Counties of this Province, and of Appeals therefrom.

9 G. ca. 1.

BE it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That after the Decease of any Person Intestate, Letters of Administration be taken out within thirty Days or sooner, and an Inventory taken of all the Estate of the Deceased within three Months, or sooner, by three suitable Persons appointed, and put upon Oath, for their due Performance of that Service by the Judge, or one Justice in the said County, in Case the Estate be not in the Town where the Judge himself dwells, or within ten Miles thereof; a Certificate of such Appointment and Oath taken by the Justice, to be returned to the Probate Office, with the said Inventory. Letters of Administration, &c. of Intestate Estates to be taken out. 4 *W. & M.* ca. 2.

And be it further enacted by the Authority aforesaid, That when the Executor or Administrator of any Estate shall obtain Licence from the Superiour Court to make Sale of all or any Part of the Housing and Lands of the Deceased, for the Payment of Debts before Sale be made of any such Housing and Lands, the Executor or Administrator, shall give thirty Days publick Notice by posting up Notifications of such Sale in the Town where the Deceased Person last dwelt, and in the two next adjoining Towns, as also in the Shire Town of the said County; and whosoever will give most shall have the Preference in such Sale; And in Case it be an insolvent Estate, the whole Produce of such Sale to be divided in due Proportion to and among the Creditors. Administrators & Executors to give publick Notice of the Sale of Lands &c. 8 *W.* ca. 3.

*And whereas some Doubt hath arisen touching such Estate Real and Personal as is not plainly devised, given or bequeathed in any last Will and Testament:*

Be it resolved and enacted, That from and after the End of this present Session of the General Assembly, all such Estate whether Real or Personal that is not plainly given away or disposed of in and by the last Will and Testament of any Person thereafter to be proved, the same acordingly shall be distributed in the same Manner as if it were an Intestate Estate, and Executor or Executors shall administer on the same as such. Estate not bequeathed to be distributed as Intestate Estates.

And be it further enacted by the Authority aforesaid, That when the Real Estate of an Intestate will conveniently accommodate more of the Children than the eldest Son, and being so represented, and made to appear to the Judge of Probate, he shall have Power to settle it on so many of the Children (Preference being always had to the Sons) as it will conveniently accommodate (without Prejudice to or spoiling of the whole) in the Manner as it was to have been settled upon the eldest Son before the making of this Act. Division of Real Estate of Intestates.

*And whereas Provision is already made for an Appeal to the Governour and Council from the Orders, Decrees, Sentences or Denials of the several Judges for the Probate of Wills and granting Letters of Administration, within the respective Counties of this Province, but no Time limitted for the bringing such Appeals, which has been found inconvenient:*

Limitation of Appeals from Judges of Probate.

4 *W. & M.* ca. 2.

Be it therefore enacted by the Authority aforesaid, That no Appeal from any Sentence, Order, Decree or Denial of any of the Judges for the Probate of Wills, and granting Letters of Administration, allowing Accounts, and Distribution of Estates within this Province, shall be admitted, unless it be claimed within six Months after the making such Order, Sentence, Decree or Denial, and except Security be given by the Appellant within ten Days to prosecute the Appeal with Effect, and except Reasons of Appeal be filed in the Register's Office of the Court of Probate within ten Days after Security given, and fourteen Days at least before the Hearing before the Governour and Council. And in Case the Party or Parties so appealing fail in the Prosecution of their said Appeal to Effect, in three Months Time from the claiming the same; then the adverse Party to have the Benefit of the Sentence, Order or Decree so appealed from, by filing a Complaint to the Governour and Council, in like Manner as is provided by Law for not prosecuting an Appeal from the Judgment of an Inferiour Court.

Proviso.

*Provided always*, That any Person beyond the Sea, or out of *New-England*, who has no sufficient Attorney within this Province, at the Time of such Order, Sentence, Decree or Denial, shall have six Months after his or her Return, or Constitution of such Attorney; unless such Person was of Age at his Departure out of the Province, to claim and prosecute their Appeal, as aforesaid.

Guardians for Persons under Age and *Non Compos.*

6 *W. & M.* ca. 2.

7 *A.* ca. 2.

And be it further enacted, That before any Decree, Order or Division be made concerning Intestate Estates, where any Infants or Persons under Age, or *Non Compos* are interested, Guardians shall be appointed for all such Persons according to Law, who shall be fully impowred to appeal from any such Order, Decree, or Sentence, if they see Cause, to be prosecuted, in Manner as aforesaid.

Judges of Probate to hold certain fixed Days.

And be it further enacted, That the Judges of the Probate of Wills, and for granting Letters of Administration of Intestate Estates in the respective Counties of the Province, shall have and hold certain fixed Days for the making and publishing their Orders and Decrees; and such Days to be determined and known by publick Notifications or Advertisements in the several Counties: Any Law, Usage or Custom to the contrary notwithstanding.

## CHAP. IV.

## An Act in Addition to an Act Intituled *An Act requiring the taking the Oaths appointed to be taken instead of the Oaths of Allegiance and Supremacy*, made in the fourth Year of the Reign of the late King *William* and Queen *Mary*, of blessed Memory.

4 *W. & M.* ca. 16.

Preamble.

WHEREAS by an Act of Parliament made and passed in the first Year of His present Majesty's Reign, Intitled, An Act for the further Security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess *Sophia*, being Protestants, and for extinguishing the Hopes of the pretended Prince of *Wales*, and his open and secret Abettors, *All Officers and Persons therein mentioned or described are injoined and obliged to take the Oaths appointed to be taken instead of the Oaths of Allegiance and Supremacy, in these Words*, viz.

"I *A. B.* do sincerely Promise and Swear, That I will be faithful and bear true "Allegiance to His Majesty King *GEORGE*. *So help me GOD.*

"I *A. B.* do Swear, That I do from my Heart, abhor detest and abjure as "impious and heretical, that damnable Doctrine and Position, That Princes "excommunicated or deprived by the Pope, or any Authority of the See of "*Rome*, may be deposed or murthered by their Subjects or any other whatsoever. "And I do Declare, That no foreign Prince, Person, Prelate, State or Potentate, hath or ought to have any Jurisdiction, Power, Superiority, Prehemi-"nence or Authority, Ecclesiastical or Spiritual within this Realm.

*So help me GOD.*

And

And also to take and subscribe the following Oath, *viz.*

"I *A.B.* do truly and sincerely acknowlege, profess, testify and declare in my "Conscience before GOD and the World, That Our Sovereign Lord King "*GEORGE* is lawful and rightful King of this Realm, and all other his "Majesty's Dominions and Countries thereunto belonging. And I do so- "lemnly and sincerely Declare, That I do believe in my Conscience that the "Person pretended to be Prince of *Wales*, during the Life of the late King "*James*, and since his Decease, pretending to be, and taking upon himself the "Stile and Title of King of *England*, by the Name of *James* the third, or of "*Scotland*, by the Name of *James* the eighth, or the Stile and Title of King of "*Great-Britain*, hath not any Right or Title whatsoever to the Crown of this "Realm, or any other the Dominions thereto belonging. And I do renounce, "refuse and abjure any Allegiance or Obedience to him. And I do Swear, "That I will bear Faith and true Allegiance to His Majesty King *GEORGE*, "and Him will defend to the utmost of my Power against all traiterous Con- "spiracies and Attempts whatsoever, which shall be made against his Person, "Crown or Dignity. And I will do my utmost Endeavour to disclose and "make known to His Majesty and His Successors, all Treasons and traiterous "Conspiracies which I shall know to be against Him, or any of them. And I "do faithfully Promise to the utmost of my Power to support, maintain and "defend the Succession of the Crown against him the said *James*, and all other "Persons whatsoever; which Succession by an Act, Intitled, *An Act for the "further Limitation of the Crown and better securing the Rights and Liberties "of the Subject, is and stands limited to the Princess* Sophia, *Electoress "and Dutchess Dowager of* Hanover, *and the Heirs of her Body, being "Protestants*. And all these Things I do plainly and sincerely acknowledge "and Swear according to these expres Words by me spoken, and according to "the plain and common Sense and Understanding of the same Words without "any Equivocation, mental Evasion, or secret Reservation whatsoever. And "I do make this Recognition, Acknowlegement, Abjuration, Renunciation and "Promise, heartily, willingly and truly, upon the true Faith of a Christian.

*So help me GOD.*

Preamble. *Now to the Intent that all Persons whomsoever sustaining or holding any Office within His Majesty's Government of this Province, by Virtue of any Commission from His Excellency the Governour, or by Authority derived from him, take and subscribe the aforesaid Oaths; and also to discourage and prevent all Persons disaffected to His Majesty's rightful and happy Government, and the Protestant Succession as by Law established from coming into, or residing within this Province:*

Officers obliged to take the Oaths to His Majesty. Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That as well the Members of His Majesty's Council, the Representatives in the General Assembly, as all and every Person and Persons that have, bear, or sustain any Office or Offices within this Province, by Virtue of any Commission from his Excellency the Governour, or by Authority derived from him, shall before they enter upon, and act in their respective Offices, before his Excellency the Governour, Lieutenant Governour, two or more of the Council, or such others as shall be thereto appointed by the Governour, take and subscribe the several Oaths herein before-mentioned: And in Case such Officer or Officers neglect or refuse to take the said Oaths, or subscribe thereto, they shall be *ipso facto* adjudged uncapable and disabled in Law to have, occupy or enjoy the said Office or Offices, Employment or Employments, or any Part of them, or any Profit or Advantage thereby; and every such Office, Place or Employment shall be adjudged utterly void.

Others oblig'd thereto when required. And be it further enacted by the Authority aforesaid, That all and every other Person or Persons whatsoever now inhabiting or residing within this Province, or which shall at any Time hereafter reside or dwell within the same,

shall when thereunto required by two of his Majesty's Justices of the Peace *Quorum Unus*, take and subscribe the Oaths aforesaid.

Justices impowered to administer the Oaths.

**And be it further enacted by the Authority aforesaid**, That it shall and may be lawful to and for any two Justices of the Peace (*Quorum Unus*) in their respective Counties, to give and administer the Oaths aforesaid from Time to Time to any Person or Persons, and upon due Tender of any such Person or Persons to take the said Oaths, the said two Justices are hereby required and enjoined to administer the same, and a List of the Names of all Persons so Sworn, to be returned into the Secretary's Office.

40*s.* or Imprisonment for the first Refusal.

**And be it further enacted**, That it shall and may be lawful to and for two or more Justices of the Peace (*Quorum Unus*) to tender the Oaths herein before appointed to be taken to any Person or Persons whomsoever, whom they shall or may suspect to be disaffected to His Majesty, or his Government. And if any Person or Persons to whom the said Oaths shall be so tendered, shall neglect or refuse to take the same, the said Justices shall commit the said Person or Persons so refusing to the common Goal, there to remain without Bail or Mainprize, for the space of three Months; unless such Offender shall pay down to the said Justices so tendering the said Oaths, such Sum of Money, not exceeding *forty Shillings*, as the said Justices shall require such Offender to pay for his said Refusal; which Money shall be to his Majesty for the Support of the Government of this Province: And unless such Refuser become bound with two sufficient Sureties for the good Behaviour, and also to appear at the next General Quarter Sessions of the Peace to be held for the same County where he doth inhabit or reside. At which Court the said Oaths shall be again tendered to him by the Justices of the said Court in open Sessions, and if he then refuses to take the said Oaths, the said Justices shall commit the said Person or Persons so refusing to the common Goal, there to remain for the space of six Months; unless every such Offender shalll pay down to the said Justices such Sum of Money, not exceeding *ten Pounds*, nor under *five Pounds*, as the said Justices shall require, to be paid for his second Refusal; the said Money to be disposed in Manner as aforesaid; and unless every such Offender shall likewise become bound with two sufficient Sureties, with Condition to be of the good Behaviour, until he take the said Oaths: And all such Persons so refusing are hereby rendered uncapable of giving any Vote for Representatives or Jurors, or in the Choice of any Town Officers.

10 *l.* or Imprisonment &c. for Refusal before the Sessions.

*And whereas the People called Quakers scruple the taking any Oath:*

Quakers Declaration instead of the Abjuration Oath.

**Be it enacted by the Authority aforesaid**, That every such Person over and above the Declaration of Fidelity already enjoined them by the Law of this Province, shall for the future, if thereunto required, make and subscribe the Effect of the Abjuration Oath, in the following Words, *Viz.*

"I *A. B.* do truly and sincerely acknowledge, profess, testify and declare "in the Presence of Almighty GOD, the Witness of the Truth of what "I say, that King *GEORGE* is lawful and rightful King of the Realm of "*Great Britain*, and of all other His Dominions and Countries thereunto be- "longing. And I do solemnly and sincerely declare, That I do believe the "Person pretended to be the Prince of *Wales*, during the Life of the late King "*James*, and since his Decease, pretending to be and taking upon himself the "Stile and Title of King of *England*, by the Name of *James* the third, or of "*Scotland* by the Name of *James* the eighth, or the Stile and Title of King "of *Great Britain*, hath not any Right or Title whatsoever to the Crown of "the Realm of *Great Britain* nor any other the Dominions thereunto belong- "ing. And I do renounce and refuse any Allegiance and Obedience to him. "And I do solemnly promise, That I will be true and faithful and bear true "Allegiance to King *GEORGE*, and to him will be faithful against all "traiterous Conspiracies and Attempts whatsoever, which shall be made against "his Person, Crown or Dignity. And I will do my best Endeavour to dis- "close and make known to King *GEORE* and his Successors all Trea- "sons and traiterous Conspiracies which I shall know to be made against him

"or

" or any of them. And I will be true and faithful to the Succeſſion of the " Crown againſt him the ſaid *James*, and all other Perſons whatſoever, as the " ſame is and ſtands ſettled by an Act Intitled, *An Act declaring the Rights* " *and Liberties of the Subject, and ſettling the Succeſſion of the Crown to the* " *late Queen* ANNE, *and the Heirs of her Body being Proteſtants.* And as " the ſame by one other Act Intitled, *An Act for the further Limitation of* " *the Crown and better ſecuring the Rights and Liberties of the Subject, is* " *and ſtands ſettled and Intailed after the Deceaſe of the ſaid late Queen, and* " *for Default of Iſſue of the ſaid late Queen, to the late Princeſs* Sophia, *Electo-* " *reſs and Dutches Dowager of* Hanover, *and the Heirs of her Body being* " *Proteſtants.* And all theſe Things I do plainly and ſincerely acknowlege, " promiſe and declare according to theſe expreſs Words by me ſpoken, and " according to the plain and common Senſe and Underſtanding of the ſame " Words, without any Equivocation, mental Evaſion, or ſecret Reſervation " whatſoever. And I do make this Recognition, Acknowlegement, Renun- " ciation and Promiſe heartily, willingly and truly.

## CHAP. V.

## An Act requiring the ſeveral Towns within this Province to be provided with Stocks.

4 *W. & M.* ca. 6.

*WHEREAS the Breach of ſundry penal Laws of this Province is puniſh-* Preamble.
*able by putting in the Stocks, where the Offenders are unable to pay the reſpective Fines by Law ſet; and many of the Towns in the Province are not provided with Stocks, for want of which oft-times Perſons go unpuniſhed:*

For Prevention whereof:

All Towns to be provided with Stocks. *l.* 5. Penalty.

Be it enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That from henceforth every Town within this Province, be ſupplied with Stocks. And that if any Town ſhall neglect the Obſervation of this Act, every ſuch defective Town ſhall forfeit and pay the Sum of *five Pounds* for every Conviction of ſuch Neglect, upon Complaint made unto his Majeſty's Juſtices at their General Seſſions of the Peace; the one Half of ſaid Fnies or Forfeitures to be to his Majeſty, to be applied to and for the Support of this Government, and the other Half to him or them that ſhall inform and proſecute the ſame.

## CHAP. VI.

## An Act for enlarging the Fees of Grand Jurors, and for fixing an Allowance to the Superiour Court of Judicature for hearing Petitions, and granting Power for the Sale of Land.

7 *W.* ca. 4.

*WHEREAS the ſtated Allowance by Law for Grand-Jurors of two* Preamble.
Shillings *per Diem, during their Attendance at Court, is thought too little, conſidering the great Price of Proviſions, and other Neceſſaries:*

3 *s.* per Diem for Grand Jurors.

Be it enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That the Allowance of a Grand-Juror during his Attendance on the Court, and alſo for his neceſſary travel to and from the ſame for the future, be *three Shillings* per Diem.

*And whereas a great Part of the Buſineſs of the Superiour Court is often taken up in hearing and granting Petitions for the Sale of Land, and no Fee yet ſtated by Law for the ſame:*

Judges Allowance for Petitions.

Be it therefore further enacted by the Authority aforeſaid, That the Fee or Allowance to the Judges of the ſaid Court on ſuch Petitions be *two Shillings* a-piece to each Judge, preſent at the Hearing of ſuch Petition, and no more.

# An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and held at *Boston*, upon Wednesday the thirteenth Day of *July*, 1720.

## CHAP. VII.

## An Act to Regulate the Price and Assize of Bread.

Preamble. *WHEREAS the Act made and passed in the eighth Year of King* William *the Third, Intitled,* An Act for the due Assize of Bread, *is found not effectual for the good Ends and Purposes therein designed, and little or no Observance has been made thereof; but covetous and evil disposed Persons have for their own Gain, deceived and oppressed his Majesty's Subjects, more especially the poorer Sort:*

For Remedy whereof:

Act for the due Assize of Bread. **Be it enacted by his Excellency the Governour, Council and Representatives in General Court Assembled, and by the Authority of the same,** That the said Act Intituled, *An Act for the due Assize of Bread,* shall be and is hereby repealed, annulled and made void: and that after the tenth Day of *September* next, the Select-Men of each Town within this Province where Bread is baked for Sale, shall once every Month, and oftner if they see Cause, set, ascertain and appoint within their several Towns, the Assize and Weight of all Sorts of Bread to be sold, or exposed to Sale by any Baker, or other Person whatsoever; having Respect to the Price the Grain, Meal or Flower whereof such Bread shall be made, shall bear in or about the Town or Place where such Assize shall be set, and making reasonable Allowance to the Bakers for their Charges, Pains and Livelihood; and shall make known their said Regulation of the Assize of Bread in some open and publick Place or Places in their respective Towns.

Assize of Bread to be ascertained.

*And that the said Assize may be the more easily ascertained:*

Sorts of Bread to be allowed. **Be it enacted by the Authority aforesaid,** That from and after the said tenth Day of *September*, no Person or Persons whatsoever shall make for Sale, or sell, or expose to Sale any Sort or Sorts of Bread, but such as are herein after-mentioned: *That is to say,* White, Wheaten and Houshold, and such other Sort or Sorts as shall be publickly licenced and allowed by the said Select-Men, in the several and respective Towns; all which several Sorts of Bread shall be made in their several and respective Degrees, according to the Goodness of the Grain whereof the same are or ought to be made; and the Assize and Weight of the said White, Wheaten and Houshold Bread shall be set and ascertained, according to the Table hereafter-mentioned, *Viz.*

A Table of the Assize of Bread in Pounds, Ounces and Drams. In the first and last Columns is the Price of the Bushel of Wheat, from 4 *s.* to 15 *s.* The Allowance to the Baker for Baking to be made by the Select-men being included: So that for Example, If the Price of Wheat be 5 *s.* the Bushel, and the Select-men allow 1 *s.* 6 *d.* per Bushel, for Baking, the Price in the Table will be 6 *s.* 6 *d.* and even with or against those Numbers in the first and last Columns will be found the Weight of the several Loaves *Averdupois.*

Note, *That the White Loaves are one Half, and the Wheaten three Quarters of the Weight of Houshold Loaves.*

The

| The Price of the Bushel of Wheat, and Baking. | Weight of the Penny Loaf. | | | | | | Weight of the two Penny Loaf. | | | | | | Weight of the six Penny Loaf. | | | | | | Weight of the twelve Penny Loaf. | | | | | | The Price of the Bushel of Wheat and Baking. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | White | | Wheaten. | | Houshold | | White | | Wheaten | | Houshold | | Wheaten | | | Houshold | | | Wheaten | | | Houshold | | | |
| *s. d.* | Ounces | Drams | Ounces | Drams | Ounces | Drams | Ounces | Drams | Ounces | Drams | Ounces | Drams | Pounds | Ounces | Drams | Pounds | Ounces | Drams | Pounds | Ounces | Drams | Pounds | Ounces | Drams | *s. d.* |
| 4 0 | 11 | 9 | 17 | 6 | 23 | 3 | 23 | 3 | 34 | 12 | 46 | 5 | 6 | 8 | 4 | 8 | 11 | | 13 | | 9 | 17 | 6 | 1 | 4 0 |
| 4 6 | 10 | 5 | 15 | 7 | 20 | 10 | 20 | 10 | 30 | 14 | 41 | 3 | 5 | 12 | 11 | 7 | 11 | 9 | 11 | 9 | 6 | 15 | 7 | 3 | 4 6 |
| 5 0 | 9 | 4 | 13 | 14 | 18 | 9 | 18 | 9 | 27 | 13 | 37 | 1 | 5 | 3 | 7 | 6 | 15 | 4 | 10 | 6 | 13 | 13 | 14 | 7 | 5 0 |
| 5 6 | 8 | 7 | 12 | 10 | 16 | 14 | 16 | 14 | 25 | 4 | 33 | 11 | 4 | 11 | 13 | 6 | 5 | 2 | 9 | 7 | 11 | 12 | 10 | 4 | 5 6 |
| 6 0 | 7 | 10 | 11 | 9 | 15 | 7 | 15 | 7 | 23 | 3 | 30 | 14 | 4 | 5 | 8 | 5 | 12 | 11 | 8 | 11 | 1 | 11 | 9 | 6 | 6 0 |
| 6 6 | 7 | 2 | 10 | 11 | 14 | 4 | 14 | 4 | 21 | 6 | 28 | 8 | 4 | | 3 | 5 | 5 | 9 | 8 | | 5 | 10 | 11 | 2 | 6 6 |
| 7 0 | 6 | 10 | 9 | 15 | 13 | 4 | 13 | 4 | 19 | 14 | 26 | 8 | 3 | 11 | 9 | 4 | 15 | 7 | 7 | 7 | 3 | 9 | 14 | 14 | 7 0 |
| 7 6 | 6 | 3 | 9 | 4 | 12 | 6 | 12 | 6 | 18 | 9 | 24 | 11 | 3 | 7 | 10 | 4 | 10 | 2 | 6 | 15 | 4 | 9 | 4 | 5 | 7 6 |
| 8 0 | 5 | 13 | 8 | 11 | 11 | 9 | 11 | 9 | 17 | 6 | 23 | 3 | 3 | 4 | 2 | 4 | 5 | 8 | 6 | 8 | 4 | 8 | 11 | 1 | 8 0 |
| 8 6 | 5 | 7 | 8 | 3 | 10 | 14 | 10 | 14 | 16 | 6 | 21 | 13 | 3 | 1 | 1 | 4 | 1 | 7 | 6 | 5 | 2 | 8 | 2 | 4 | 8 6 |
| 9 0 | 5 | 1 | 7 | 12 | 10 | 5 | 10 | 5 | 15 | 7 | 20 | 10 | 2 | 14 | 5 | 3 | 13 | 1 | 5 | 12 | 11 | 7 | 11 | 9 | 9 0 |
| 9 6 | 4 | 14 | 7 | 5 | 9 | 12 | 9 | 12 | 14 | 10 | 19 | 8 | 2 | 11 | 14 | 3 | 10 | 9 | 5 | 7 | 13 | 7 | 5 | 1 | 9 6 |
| 10 0 | 4 | 10 | 6 | 15 | 9 | 4 | 9 | 4 | 13 | 14 | 18 | 9 | 2 | 9 | 11 | 3 | 7 | 10 | 5 | 3 | 7 | 6 | 15 | 4 | 10 0 |
| 10 6 | 4 | 7 | 6 | 10 | 8 | 13 | 8 | 13 | 13 | 4 | 17 | 10 | 2 | 7 | 12 | 3 | 4 | 15 | 4 | 15 | 7 | 6 | 9 | 15 | 10 6 |
| 11 0 | 4 | 3 | 6 | 5 | 8 | 7 | 8 | 7 | 12 | 12 | 16 | 14 | 2 | 5 | 15 | 3 | 2 | 9 | 4 | 11 | 13 | 6 | 5 | 2 | 11 0 |
| 11 6 | 4 | | 6 | 1 | 8 | 1 | 8 | 1 | 12 | 1 | 16 | 2 | 2 | 4 | 4 | 3 | | 6 | 4 | 8 | 9 | 6 | | 11 | 11 6 |
| 12 0 | 3 | 14 | 5 | 13 | 7 | 12 | 7 | 12 | 11 | 9 | 15 | 7 | 2 | 2 | 12 | 2 | 14 | 5 | 4 | 5 | 8 | 5 | 11 | 12 | 12 0 |
| 12 6 | 3 | 11 | 5 | 9 | 7 | 7 | 7 | 7 | 11 | 2 | 14 | 13 | 2 | 1 | 6 | 2 | 12 | 8 | 4 | 2 | 12 | 5 | 9 | | 12 6 |
| 13 0 | 3 | 9 | 5 | 6 | 7 | 2 | 7 | 2 | 10 | 11 | 14 | 4 | 2 | | 1 | 2 | 10 | 12 | 4 | | 3 | 5 | 5 | 9 | 13 0 |
| 13 6 | 3 | 7 | 5 | 2 | 6 | 14 | 6 | 14 | 10 | 4 | 13 | 12 | 1 | 14 | 14 | 2 | 9 | 3 | 3 | 13 | 13 | 5 | 2 | 6 | 13 6 |
| 14 0 | 3 | 5 | 4 | 15 | 6 | 10 | 6 | 10 | 9 | 15 | 13 | 4 | 1 | 13 | 13 | 2 | 7 | 12 | 3 | 11 | 9 | 4 | 15 | 7 | 14 0 |
| 14 6 | 3 | 3 | 4 | 13 | 6 | 6 | 6 | 6 | 9 | 9 | 12 | 13 | 1 | 12 | 12 | 2 | 6 | 6 | 3 | 9 | 8 | 4 | 12 | 11 | 14 6 |
| 15 0 | 3 | 1 | 4 | 10 | 6 | 3 | 6 | 3 | 9 | 4 | 12 | 6 | 1 | 11 | 13 | 2 | 5 | 1 | 3 | 7 | 10 | 4 | 10 | 2 | 15 0 |

*And to the Intent that the good Design of this Act may be effectually complied with:*

Bread to be marked.

Be it further enacted, That every common Baker, and any Person that shall bake or make for Sale, or expose to Sale any Sort of Loaf Bread or Bisket, that shall be sold by Tale, shall from and after the said tenth Day of *September* fairly mark, or imprint, or cause to be marked or imprinted such distinct Mark, as shall be appointed or allowed by the Select-Men, so that their Bread may be known and distinguished.

Penalty for Breach of this Act.

And be it further enacted by the Authority aforesaid, That if any Baker or Bakers, or other Person or Persons baking or making Bread for Sale, or exposing Bread to Sale, shall not observe the Assize to be ascertained by Virtue of this Act, or shall bake or make for Sale, or sell or expose to Sale any Bread wanting the due Weight, or that shall not be marked according to the Direction of this Act, or shall break such Regulations and Orders, as shall from Time to Time be made by Virtue of this Act; he or they so doing, and being thereof convicted by Confession of the Party, or by the Oath of two or more credible Witnesses before one or more of his Majesty's Justices of the Peace for the County where the said Offence is committed, or the Party offending apprehended, shall for every such Offence forfeit the Sum of *twenty Shillings*, to be levyed by Way of Distress upon the Goods and Chattels of every such Offender, by Warrant from the said Justice or Justices; the said Forfeitures to be the one Half towards the Support of the Poor of the Town where such Offence shall be committed, and the other Half to the Informer. And if any Baker or Seller of Bread shall put into any Bread by him sold or exposed to Sale, any Mixture of any other Grain than what shall be appointed by the Assize settled in the Place where such Bread shall

shall be so sold or exposed to Sale; every Person so offending shall for every such Offence forfeit the Sum of *twenty Shillings*, to be recovered in the Manner and Form herein before mentioned, and to be for the Uses afore-mentioned.

Proviso.

*Provided always*, That no Person shall be convicted in Manner aforesaid for any of the afore-mentioned Offences, unless the Prosecution in order to such Conviction be commenced within five Days next after the Offence committed.

Proviso for Appeal.

**Provided also, and be it further enacted**, That if any Person so convicted shall think him or her self aggrieved, he or they shall and may make his or her Appeal to the next Quarter Sessions of the Peace for the County where such Conviction shall be made; at which Sessions the same shall be heard and finally determined. And if the said Person so appealing shall not make good such his or her Appeal, or prosecute it with Effect, the said Court of Sessions shall award such Costas they shall think reasonable to the Prosecutor or Informer, and commit the Offender to the common Goal, until he or she shall make Payment of the said Costs, and also of the Penalty adjudged on the Conviction: But in Case the Appellant shall make good his or her Appeal, and be discharged of his or her said Conviction, the like reasonable Costs shall be awarded for the Appellant against such Informer or Prosecutor. And if any Justice of the Peace shall on any Information made to him of any Offences committed against this Act wilfully and wittingly omit the Performance of his Duty thereupon in the Execution of this Act, he shall forfeit the Sum of *forty Shillings*, to be recovered by Action, Bill, Plaint or Information, in any of his Majesty's Courts of Record in the County where he doth reside, wherein no Essoin, Protection or Wager of Law shall be allowed.

Penalty for Justices neglect of Duty.

*And that the good Design of this Act may be the more effectually accomplished*:

Officers to try & weigh Bread.

**Be it further enacted by the Authority aforesaid**, That it shall and may be lawful to and for any of his Majesty's Justices of the Peace, or any one of them within their respective Counties, and any of the Select-men, or any one of them in their respective Towns, or any two of the Clerks of the Market, at all Times hereafter in the Day Time, to enter into any House, Stall, Bake-House, Out-House, or Ware House, belonging to any Baker or Seller of Bread, there to search for, view, weigh or try all or any the Bread of such Person, or which shall there be found: And if any Bread shall there be found wanting, either in the goodness of the Stuff whereof the same shall be made, or in the due working or baking thereof, or shall be deficient in the due Weight, or shall not be truly marked according to the Directions of this Act, or shall be of any other Sort than shall be allowed by Virtue of this Act, that then and in every such Case, it shall and may be lawful to and for such Justice or Justices of the Peace, or Select-men or Select-man, or any two Clerks of the Market, to seize and take the said Bread so found, and cause the same to be given and distributed to the Poor of the Town where such Seizure shall be made: And if any Baker or Seller of Bread, or other Person or Persons shall not permit or suffer such Search or Seizure to be made by Vertue of this Act, or shall oppose, hinder or resist the same, he or they so doing, shall for every such Offence, forfeit the Sum of *Three Pounds*, to be disposed of as the other Fines, and to be had and recovered in the summary Manner and Form herein before first mentioned.

Forfeiture of Bread to the Poor.

*Provided always*, That a proper Allowance be made for the drying of Bisket, yet never to exceed two Ounces for drying at the lowest Price of Wheat, and so proportionably.

# Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and held at *Boston*, upon Wednesday the thirteenth Day of *July*, 1720. And continued by several Prorogations unto Wednesday the second Day of *November* following, and then met.

## CHAP. I.

## An Act to enable the several Towns, Precincts, Districts and Parishes, legally set off, to choose Collectors for the gathering any Town, County, Precinct, District or Parish Rates or Assessments.

*WHEREAS the Laws of this Province have made sufficient Provision for the gathering in, and collecting the publick Rates or Taxes by Collectors, if any are chosen, and accept thereof*; *and on their Refusal by the Constables of each Town, Precinct or District, and the Form of an Oath to be administred to such Constables or Collectors established, but no Provision is made for the obliging any Person chosen Collector for any Town, County, Precinct, District or Parish Rates or Assessments, to serve in said Office*; *nor Form of the Oath such Persons ought to be under, for the due Observance of their Office*: 9 *A.* ca. 5.

Wherefore,

**Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That it shall be in the Power of every Town, Precinct, District or Parish within this Province legally set off, some Time in the Month of *March* annually, at the same Time they choose other Town, Precinct, District or Parish Officers, to choose one or more Persons, to serve as Collector or Collectors of all such Rates or Assessments, as shall be granted or agreed by such Town, or by the General Sessions of the Peace, in which County the same lieth, or by any Precinct, District or Parish regularly set off as aforesaid, who shall be under the Oath herein after provided, which Oath shall be administred by a Justice of the Peace, if any such live within the same Town, or by the Select-men of such Town, as the Law already provides. And any Person that shall be chosen into the Office of a Collector as aforesaid, and that shall refuse to accept thereof, or deny and neglect to take the Oath herein expressed, shall forfeit and pay unto the Town, Precinct, District or Parish Treasurer, the Sum of *three Pounds*, to the Use of the Poor of such Town, Precinct, District or Parish: And if such Person neglect or refuse to pay his Fine, he shall be proceeded against, as the Law directs for the prosecuting of Persons refusing to serve in the Office of a Constable; provided no Person in Commission for any Office Civil or Military, Church-Officers, or Members of the House of Representatives for the Time being, nor other Person that has served as Constable or Collector within the space of seven Years before, shall be obliged to serve in the Office of Collector.

Collectors of Rates to be chosen. 4 *G.* 2. ca. 1.

To be under Oath.

Penalty on refusal.

Persons exempt.

**And be it further enacted by the Authority aforesaid,** That every Person chosen Collector as aforesaid, and accepting thereof, shall settle and issue his Accompts, of all Rates and Assessments to him committed, with the Select-men of such Town, or Person mentioned in the Warrant, to whom the Rate is payable, within twenty Days after the Time is expired in the said Warrant, to be annexed to the Rate or Assessment to him committed for Payment thereof, under the Pain and Penalty of any Collector so neglecting or refusing, the Sum of *twenty Shillings*, for every Month he shall neglect so to do, to be recovered as in and by this Act is provided for refusal to accept of such Office, and to be applied for the Use and Intent aforesaid: Any Law, Usage or Custom to the contrary notwithstanding.

Collectors to make up Accounts of Assessments.

Penalty for neglect.

And

And be it further enacted by the Authority aforesaid, That the Form of the Oath to be administred to any Person chosen Collector shall be as follows:

Form of the Oath.

*WHereas you* A. B. *are chosen Collector within the Town of* C. *or Precinct, District or Parish within the Town of* C. *for one Year now following, and until other be chosen and sworn in your Place; you do Swear, That you will faithfully, and with what Speed you can, collect and levy all such Rates or Assessments and Sums of Money, committed to you to collect, and for which you shall have sufficient Warrant, rendring Account thereof, and paying in the same acccording to the Direction in your Warrant.* So help you GOD.

## CHAP. II.

## An Act for Explanation of, and Supplement to an Act referring to the Poor, &c.

Preamble.

*WHEREAS the Law for binding out poor Children Aprentices is misconstrued by some, to extend only to such Children whose Parents receive Alms*:

For Explanation whereof:

Children of poor People to be put to Work, or bound out. 4 *W. & M.* ca. 13.

Be it declared and enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Select-Men or Overseers of the Poor, in any Town or District within this Province, or the greater Part of them, shall take Order, and are hereby impowred from Time to Time, by and with the Assent of two Justices of the Peace, to set to Work, or bind out Apprentice as they shall think convenient, all such Children whose Parents shall by the Select-men, or the Overseers of the Poor, or the greater Part of them, be thought unable to maintain them (whether they receive Alms, or are chargeable to the Place or not) so as that they be not cessed to publick Taxes or Assessments, for the Province or Town Charges; Male Children till they come to the Age of twenty-one Years, and Females till they come to the Age of eighteen Years, or Time of Marriage: which shall be as good and effectual in Law to all Intents and Purposes, as if any such Child were of full Age, and by Indenture or Covenant had bound him or her self, or that their Parents were consenting thereto, Provision therein to be made for the instructing of Children so bound out, *to wit*, Males to read and write; Females to read, as they respectively may be capable: And the Select-Men or Overseers of the Poor, shall inquire into the Usage of Children, bound out by themselves or their Predecessors, and endeavour to defend them from any Wrongs or Injuries.

*And for the better preventing of Idleness and loose and disorderly living*:

Idle Persons to be set to Work. 11 *W.* ca. 6.

Be it further declared and enacted, by the Authority aforesaid, That the Select-Men or Overseers of the Poor, or the greater Part of them, be, and are further impowred by and with the Assent of two Justices of the Peace, to set to work all such Persons, married or unmarried, able of Body, having no Means to maintain them, that live idly, and use or exercise no ordinary and daily lawful Trade or Business to get their living by. And no single Person of either Sex, under the Age of twenty one Years, shall be suffered to live at their own Hand, but under some orderly Family-Government; nor shall any Woman of ill Fame married or unmarried, be suffered to receive or entertain Lodgers in her House. And the Select-Men or Overseers of the Poor, Constables and Tything-Men are hereby ordered to see the due observance of this Act; and to complain and inform against any Transgressions thereof, to one or more Justices of the Peace, or the Court of General Sessions of the Peace, who are hereby respectively required and impowered, upon due Conviction of the Offender or Offenders, for living idly or disorderly, contrary to the true Intent of this Act, to commit or send such Offenders to the House of Correction or Work-House,

Idle Persons to be sent to the House of Correction.

House, there to remain and be kept to Labour, until they be discharged by order of such Justice or Justices, of the Court of General Sessions of the Peace; unless such Person or Persons so complained of, shall give reasonable Caution or Assurance to the Satisfaction of the Justice or Court that they will reform.

*Provided*, This Act shall not be construed to extend to hinder any single Woman of good Repute, from the exercise of any lawful Trade or Employment for a Livelihood: Any Law, Usage or Custom to the contrary notwithstanding. Proviso

And any two Justices committing any Person or Persons as aforesaid, are hereby impowred, as they shall find Cause, to discharge them again.

## CHAP. III.

## An Act for altering the Form of the Certificate of Payment of Wolves, made out of any Town Stock.

*WHEREAS by a Law made in the seventh Year of the Reign of King* William *the third, Provision is made for the reimbursing such Sums of Money as were paid out of any Town Stock for Wolves killed in and near such Town by discounting the same with the Constable of such Town, out of the publick Assessment committed to him to collect: But in as much as it is found by Experience, that the Sums paid out of the Stocks of some Towns, do exceed the Sums set upon such Towns, as their Proportion of the publick Tax, and no Method prescribed by Law for drawing the Surplusage out of the Treasury:* 5 *W. & M.* ca. 2. 7 *W.* ca. 5.

Province Treasurer to pay the whole Sum for killing Wolves.

Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Province Treasurer be and hereby is directed and ordered for the future, to pay unto the Treasurer of each Town respectively, such Sum or Sums as shall by such Town be advanced (agreably to Law) for Wolves killed in or near such Towns; and that all Certificates of such Payments to be returned to the Treasurer, shall be in the Form following: *That is to say,*

Form of Certificate.

*THis may Certify, That there hath been paid unto sundry Persons out of the Town Stock of for grown Wolves, and Wolves Whelps, killed in and near unto our Town, and within this Province, since the Day of last past, and the Heads thereof brought unto our Constable or Constables, and the Ears cut off in the Presence of some of our selves, as the Law directs, and so certified unto us, in the whole the Sum of* Pounds, *which Sum we desire you to allow to our Town, by paying the same unto our Town Treasurer. Dated in aforesaid, the Day of* Anno Domini, 17

*Select-Men.*

*Town-Treasurer.*

## CHAP. IV.

## An Act in Explanation of, and in Addition to an Act made in the thirteenth Year of King *William*, Intituled, *An Act for Review in Civil Causes.*

*WHEREAS in and by the said Act, it is provided,* "That it shall be "in the Liberty of the Party aggrieved at the Judgment given in any "Inferiour Court of Common Pleas, or in the Superiour Court of Ju- "dicature respectively, by new Process to Review the said Cause once in each "Court: 13 *W.* ca. 15. & References.

*And whereas, it hath sometimes happened, that contrary to the Meaning of the said Act, the Party in whose Favour the Judgment of the Superiour Court hath been given, hath very soon after such Judgment, taken out his Writ of Review, pretending himself aggrieved by such Judgment, and entred his Action thereupon, when it hath been with Intent to prevent the other Person who was really aggrieved, bringing his Writ of Review; and upon the Trial of such Review, a Doubt has arisen as well from the Nature of the Review, as from the Form of the Writ, whether the Defendant could have any Relief, or indeed any other Verdict or Judgment than Costs awarded him; and thereupon as well the Design of the said Law defeated, as manifest Injustice sometimes may be done:*

For Remedy whereof:

Writs of Review of both Parties to be committed to the Jury.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when and so often as it shall happen that both Parties bring forward and enter their Writs of Review in the Superiour Court, that then and in such Case, both Writs or Actions of Review shall be committed together by the Court to the same Jury, in order to reverse, confirm or alter the Judgment of the Superiour Court on the Appeal according to Law and Justice, and as the Matter shall appear upon the Trial; Any Law, Usage or Custom to the contrary notwithstanding.

## CHAP. V.

## An Act in Addition to an Act Intituled, *An Act for the more safe keeping the Registry of Deeds and Conveyances of Lands*, made in the first Year of his present Majesty's Reign.

1 G. ca. 4. 12 G. ca. 3.

WHEREAS *in and by an Act made in the first Year of his present Majesty's Reign, intitled*, An Act for the more safe keeping the Registry of Deeds and Conveyances of Lands, *It was (among other Things.) Enacted*, "That there should be chosen in each County within this "Province, some suitable Person to be Register, in each County within the "same, who should be chosen by the Votes of the Freeholders of each respec- "tive Town, at their Meeting in *March* then next following; and that each "Person so chosen, should continue in the said Office five Years, *as by the said Act more fully appears: But no Provision is made in the said Act for the Choice of Registers after the said five Years, which are now near expired*:

Choice of Registers of Deeds to be in *March* for ever.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Freeholders in each respective Town within this Province, at their Meeting in *March* next, and every five Years from thenceforth successively following for ever, at their several Town Meetings in *March*, shall be and hereby are impowred and required to proceed to chuse a Register for each County respectively within the said Province, qualified as in the said Act is expressed; and that the Person so chosen, as aforesaid, shall reside and keep his Office daily open in the respective Shire Town of each County, and therein keep the Books, Records, Files and Papers to the said Office belonging; and that all the other Clauses, Articles and Paragraphs in the said Act, are hereby made and declared to be perpetual, and shall abide and remain effectual and in full Force and Virtue to all Intents, Constructions and Purposes in the Law, from henceforth and forever hereafter: Any Law, Usage or Custom to the contrary notwithstanding.

Register to reside & keep his Office in the Shire Town.

CHAP.

## CHAP. VI.

An Act Repealing and making Void the Form of the Writ of Replevin directed to in an Act Intituled, *An Act prescribing the Form of Writs for Possession, Scire Facias, and Replevin*; made in the thirteenth Year of the Reign of King *William* the third; and establishing an other Form instead thereof. 13 *W.* ca. 13.

FOR AS MUCH as some further Provision in the Law is necessary relating to Actions of Replevin, and for rendring the Proceedings therein more compendious and certain:

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the said Form of the Writ of Replevin prescribed in and by the aboveſaid Act, made in the thirteenth Year of the Reign of the said King *WILLIAM*, and every Article and Clause therein contained, shall be and hereby is repealed, determined and made void and of none Effect forever. Former Writ of Replevin made void.

And be it further declared and enacted by the Authority aforesaid, That from henceforth the Writ of Replevin to be issued out of the Inferiour Court, shall be from Time to Time granted and issued out in the Form following; (*That is to say*:)

*S*——*s*. TO the Sheriff or Marshal of the said County of *S.* his Under-Sheriff or Deputy, or Constables of the Town of *B.* within the said County, or to any or either of them, *Greeting*. In his Majesty's Name you are required to Replevie belonging to *T. P.* of *B.* addition now distrained or impounded by *J. G.* of *B.* addition and deliver the said unto the said *T. P.* and Summons the said *J. G.* To appear before Our Justices of Our Inferiour Court of Common Pleas next to be holden at *B.* within and for Our County of *S.* aforesaid on the Day of then and there in Our said Court to answer to the said *T. P.* in a Plea of Replevin, for that the said *J. G.* he on the Day of at a Place called *A.* in *B.* aforesaid took of the Plaintiffs, and drove them away and impounded them in and in the said Pound them unjustly detained, against Pledges and Sureties till this Day. Which is to the Damage of the said *T. P.* (as he saith) the Sum of *Pounds*, as shall then and there appear with other due Damages. *Provided*, he the said *T. P.* give Bond to the Value of *Pounds*, with sufficient Surety or Sureties to prosecute his Repleven at the said next Inferiour Court of Common Pleas; and so from Court to Court until the Cause be ended. And to pay such Costs and Damages as the said *J. G.* shall recover against him. Hereof fail not, and make true Return of this Writ with your Doings therein, unto the said Court. Dated in *B.* the Day of in the Year of His Majesty's Reign. *Annoque Domini* *A. D* Clerk. New Form of Writ of Replevin.

And the like Form of Replevin to be observed for Matters cognizable before a Justice of Peace, *Mutatis Mutandis*; but neither of them to be construed to extend to any Distress or Distresses made by the proper Officer, for any Tax, Fine or Forfeiture.

And be it further enacted by the Authority aforesaid, That in Case the Defendant in any Action of Replevin, cannot be found, an attested Copy of the said Writ of Replevin, being left at the House or Place of usual Abode of the Defendant, shall be sufficient to oblige him to answer to the Suit. Copy of Writ of Replevin to oblige the Defendant to answer.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and Held at *Boſton*, upon Wedneſday the thirteenth Day of *July*, 1720. And continued by ſeveral Prorogations unto Wedneſday the fifteenth Day of *March* following, and then met.

## CHAP. VII.

An Act in Addition to an Act made in the twelfth Year of King *William*, Intituled, *An Act directing how Taxes to be granted by the General Aſſembly ſhall be aſſeſſed and collected*, and for the ratifying and confirming the Proceedings of the Aſſeſſors of Precincts, Diſtricts and Pariſhes, and the collecting of ſuch Rates and Taxes as may have been made by ſuch Aſſeſſors, altho' not upon Oath, and to impower Committees of Precincts, &c. to call Meetings.

Preamble. The Act here refer'd to is expired.

*WHEREAS it is not expreſly declared in and by the ſaid Act of the twelfth of King* WILLIAM, *that the Aſſeſſors of Precincts, Diſtricts and Pariſhes ſhall be upon Oath, and ſome of the Aſſeſſors legally choſen by and for ſome of the Diſtricts, Pariſhes and Precincts within this Province, have not been under Oath, and thereupon ſome Difficulty has ariſen as to the collecting and paying ſuch Pariſh and Precinct Taxes or Rates:*

Aſſeſſors of Pariſhes, &c. to be under Oath

**Be it therefore declared and enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame,** That from and after the Publication of this Act, all Aſſeſſors as well thoſe of and for Pariſhes, Precincts and Diſtricts ſhall be under the Obligation of an Oath to make their Aſſeſſment juſt and equal, according to the Rules in the Law provided.

Pariſh Committees to have Power to call Meetings.

And that the Committee choſen in Precincts, Diſtricts and Pariſhes, to manage their Prudentials, ſhall have the like Power and Authority, to call and appoint Meetings of their reſpective Precincts, Diſtricts and Pariſhes, as the Selectmen of Towns have to call and appoint Town Meetings.

Aſſeſſments made not under Oath, to be held good.

**And be it further enacted,** That all Aſſeſſments hitherto made by any Aſſeſſors legally choſen for any Precinct, Pariſh or Diſtrict within this Province, although not upon Oath, ſhall be and are legally held, deemed and made good and valid to all Intents and Purpoſes, as if the ſame had been made upon Oath; and all Conſtables, Collectors, and Perſons concerned, are to conform themſelves accordingly.

Proviſo.

*Provided always*, That ſuch Aſſeſſments that have been made, and the Aſſeſſors not under Oath, and the whole or any Part thereof not collected; that in all ſuch Caſes Oath ſhall be made by thoſe Aſſeſſors living that made the Aſſeſſments, if thereunto required, that they acted impartially and according to their beſt Skill and Judgment: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

## CHAP. VIII.

### An Act to prevent miſpending Money in Taverns.

4 *W. & M.* ca. 7.

Preamble.

*WHEREAS many Perſons are ſo extravagant in their Expences at Taverns, and other Houſes of common Entertainment, that it greatly hurts their Families, and makes them the leſs able to pay and diſcharge their honeſt,*

*honeſt, juſt Debts; and are encouraged in this Practice, by the Taverners, Retailers and Keepers of Houſes of Entertainment giving them too great Credit:*

For Remedy whereof:

Taverner &c. to forfeit Debts for Drink and Victuals exceeding 10 s.

Be it enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That if any Innholder, Retailer, Ale-Houſe Keeper, or common Victualler, ſhall after the Publication of this Act, truſt or give Credit to any Perſon inhabiting in the ſame Town where they are truſted, for Victuals or Drink, for more than *ten Shillings*, ſuch Innholder, Retailer, Ale-Houſe-keeper, or common Victualler ſhall forfeit all ſuch Sums ſo truſted; and all Actions to be brought for ſuch Debt or Debts, to be utterly excluded and barred: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

# An Act,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*; Begun and held at *Boſton*, upon Wedneſday the twenty-third Day of *Auguſt*, 1721.

## CHAP. I.

## An Act for laying ſundry Duties on ſuch Goods as ſhall be imported into this Province, from the Province of *New-Hampſhire*, and on ſuch as ſhall be exported from this Province, thither.

Preamble.

*WHEREAS the Government of* New Hampſhire *do exact and take* two Shillings *a Thouſand for every Thouſand of Boards brought down the River commonly called* Piſcataqua-River, *and tranſported into this Province; though the Trees out of which the Boards are made, grow upon Lands within this Province, and are cut at Mills in the County of* York; *altho' the Inhabitants of this Government have equal Right with the Inhabitants of the Province of* New-Hampſhire, *to paſs up and down the aforeſaid River, by Grant and Purchaſe; which Exaction therefore is altogether unjuſt and oppreſſive:*

Duties on Goods imported.

Be it therefore enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That from and after the twentieth Day of *October* next, there ſhall be paid to the Impoſt Officer, for the Uſe of this Government, for every Hogſhead of Rum that ſhall be imported from the Province of *New-Hampſhire* into any Parts of this Government, the Sum of *five Pounds*, and ſo proportionably for greater or leſſer Quantities; for every Pipe of Wine, the Sum of *five Pounds*, and ſo in proportion for greater and leſſer Quantities; for all other Sorts of Goods, Wares or Merchandize whatſoever, *ten per Cent. ad Valorem.*

Penalty on the Maſter in Caſe he unload without reporting.

And if any Maſter or Commander of any Ship or Veſſel ſhall unload any Rum, Liquors, Goods, Wares or Merchandize whatſoever, imported from the Province of *New-Hampſhire* into any Ports or Harbours within this Province, before he hath made Report to the Impoſt Officer of all ſuch Rum, Wine, Goods, Wares or Merchandize whatſoever, and the Value thereof upon Oath, and paid the Duties by this Act enjoined, he ſhall forfeit and pay the Sum of *One Hundred Pounds*, to be recovered by Bill, Plaint or Information, in any of His Majeſty's Courts of Record, the one Half of the ſaid Forfeiture to be applied for and towards the Support of this His Majeſty's Government, the other Half to be to and for the Uſe of him or them that ſhall inform and ſue for the ſame.

And

Goods to be confiscated.

And all such Wines, Liquors, Goods, Wares and Merchandize as shall be landed before the Duties paid, shall be liable to be seized and confiscated, upon Proof made in any of His Majesty's Courts of Record, to be disposed of, as by this Act is already provided.

Duties on Goods exported.

Be it further enacted by the Authority aforesaid, That there shall be paid for every Barrel of Beef and Pork that shall be exported from this Province into the Province of *New-Hampshire*, the Sum of *ten Shillings*, and so in Proportion for greater and lesser Quantities: For every hundred Weight of Bread the Sum of *five Shillings*; for every Bushel of Wheat *one Shilling*; for every Bushel of Indian Corn or Meal *six Pence*; and for all other Sorts of Goods, Wares and Merchandize, *ten per Cent ad Valorem.*

Penalty on the Master taking Goods on Board before report made.

And that any Master of any Ship or Vessel that shall take on Board any Rum, Liquor, or other Goods, Wares and Merchandize, in order to be transported to the Province of *New-Hampshire*, before he hath reported to the Impost-Officers the Quantity and Value of all such Wines, Liquors Goods, Wares and Merchandize, and paid the Duties therefor, shall forfeit and pay the Sum of *One Hundred Pounds* to be recovered and disposed of as by this Act is already provided.

Goods to be forfeited.

And all such Rum, Liquors, Goods, Wares and Merchandize, that shall be put on Board any Ship or Vessel, in order to be transported into the Province of *New-Hampshire*, that have not paid the aforesaid Duties, shall be forfeited and disposed as aforesaid, upon Proof made in any of His Majesty's Courts of Record.

Oath to be given to the Importer or Owner.

Be it further enacted, That the Oath to be given by the Importer or Owner of all Rum, Liquors, Goods, Wares or Merchandize as is herein made mention of, shall be in the Words following:

Oath.

"YOU *A. B.* do swear, that the Entry of the Goods and Merchandize by "you made, contains the true Value, and agreable to the Invoice here-"with exhibited, and that according to your best Skill and Judgment, is not less "than the real Cost thereof. *So help you GOD.*

Any Law, Usage or Custom to the contrary notwithstanding.

---

# An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston*, upon Wednesday the twenty-ninth Day of *May*, 1723.

---

CHAP. I.

## An Act for limiting and regulating the Proceedings of the Judges of Probate, and for granting Letters of Administration in the respective Counties of the Province, in their granting Administration on such Estates as have not been fully administred on already, commonly called, Administrations *de bonis non.*

6 G. ca. 3.

Preamble.

*WHEREAS of late Years it hath frequently happened, that the Judges of Probate in some of the Counties of the Province, have granted Letters of Administration* de bonis non, *on the Estates of Persons deceased, even many Years after the Will of such Person has been fully executed, or Administrations on Intestate Estates, made up and finished, under a Pretence that such deceased Person died seized of some Right of Commons in Lands, or other Real Estate, whereby such Administrators have given great Disturbance to the respective Towns or Proprietors that own such Lands, when at the same Time, it is not so much as pretended that there is any personal Estate of the Deceased left unadministred upon, or any Debts remaining unpaid:*

For

For Prevention whereof:

No Administrations *de bonis non* to be granted, but where there are *bona Notabilia*, or Debts unsatisfyed.

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That for the future no Administration *de bonis non* shall be granted on the Estate of any Person deceased, unless Oath be first made, that there are *bona Notabilia*, or a personal Estate of *five Pounds* Value unadministred on, or there appear to be Debts of the like or greater Value not satisfied.

Rights of Commonages to go to the Heirs.

And be it further enacted by the Authority aforesaid, That in all such Cases where it is alledged, or may be supposed, that the Deceased died seized of some Rights of Lands or Commonages, the same being a Real Estate, Administration shall not be granted thereon, but as the same descends and belongs to the Heirs of the Deceased; so such Heirs and they only, shall demand, prosecute or sue for the same: And all Actions for such Lands or Real Estate, brought or to be brought by Administrators *de bonis non*, shall be dismissed and for ever barred in the Law: Any Law, Usage or Custom to the contrary notwithstanding.

Actions of any others for the same bar'd.

---

# Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and held at *Boston*, upon Wednesday the twenty-ninth Day of *May*, 1723. And continued by Prorogation unto Wednesday the seventh Day of *August* following, and then met.

---

## CHAP. I.

## An Act in Amendment of and Addition to an Act Intituled, *An Act against receiving Stolen Goods*, made and passed in the tenth Year of the Reign of King *William*.

10 *W.* ca. 6.

Preamble.

*WHEREAS the Penalty provided in and by the Act* against the receiving Stolen Goods, *hath not only proved ineffectual to deter Persons from committing the said Offence, but the Party injured is often defeated of his just Satisfaction by the Offenders avoiding to make Satisfaction by suffering corporal Punishment*:

Persons that receive stolen Goods to be punish'd as in Case of Theft.

Be it therefore enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That for the future all Persons offending against the said Law, and being thereof convict by due Course of Law, that shall not make Restitution, as awarded; shall be ordered by the Justices, or Court that may have Cognizance thereof, to make Satisfaction by Service, and be disposed of for that Purpose, in like Manner as is provided in Case of Theft, and be further punished by whipping, not exceeding twenty Stripes, at the Discretion of the said Court.

---

## CHAP. II.

## An Act for preventing Abuses in distilling of Rum, and other strong Liquors, with Leaden Heads or Pipes.

Preamble.

*WHEREAS the strong Liquors and Spirits that are distilled thro' leaden Heads or Pipes, are judged on good Grounds to be unwholsome and hurtful; notwithstanding which, some Persons to save Charge, may be led into the making or using of such Heads, Worms or Pipes:*

For

For Remedy and Prevention whereof:

No leaden Heads or Worms to be used in distilling, upon Penalty.

**Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That no Person whatsoever, shall make Use of any such leaden Heads or Worms for the future; and that whosoever shall presume to distil or draw off any Spirits or strong Liquors through such leaden Heads or Worms, upon legal Conviction thereof, before any of his Majesty's Courts of Record, shall forfeit and pay a Sum of *One Hundred Pounds*.

No Braziers, &c. to make Worms or Heads of base Pewter or Lead. Penalty.

**And be it further enacted by the Authority aforesaid,** That no Brazier, Pewterer, or other Artificer whatsoever, shall presume to make any Worm or Head (for distilling) of coarse and base Pewter, or such as hath any Mixture of Lead in it; under the Penalty of *One Hundred Pounds*.

Assay-masters their Duty.

**And be it further enacted,** That in each Town within this Province, where the Distilling Trade is carried on, it may be lawful for the Inhabitants thereof, at their annual Town Meeting in *March* for Choice of Town Officers, to chuse two or more Assay-Masters, whose Business it shall be to inspect and make trial of any such Heads and Worms as shall be suspected by them, and if upon their Assaying and Trial of them, they be found to be made of Lead, or of other base Mettle, or to have an Alloy of Lead or of other base Mettle in them, they shall give Notice thereof to the Distiller or Owner thereof; who is hereby forbidden to make any farther Use thereof in Distilling, under the aforesaid Penalty of *One Hundred Pounds*.

And Power.

**And be it further enacted by the Authority aforesaid,** That the Assay-Masters or Inspectors are hereby impowred to enter into any Still-House or Place where such such Utensils are suspected to be kept, and to cut off so much of them, as shall be needful to make an Assay or Trial of them. And every Distiller shall be obliged to produce a Certificate under the Hands of the Assay-Masters, for the Time being for all the Pewter Heads and Worms which they shall make Use of in Distilling, that they have been tried and are approved of by them for good Pewter, and that they have put their Mark and Number upon them, for which Mark, a Stamp shall forthwith be prepared at the Town Charge: For which Certificate, and every Assay made by them, they shall be allowed by the Distiller or Owner of such Heads and Worms, the Sum of *five Shillings*: The said Certificate with Mark and Number to be entred in the Town Clerk's Book, for which Service the Town Clerk shall be allowed *six Pence*.

Assayers Certificate to be produced.

Upon Penalty.

Certificate to be entred with the Town Clerk.

Fines how disposed.

**And be it further enacted by the Authority aforesaid,** That all Forfeitures and Penalties arising by Virtue of this Act shall be the one Half to the Poor of the Town where the Offence is committed, and the other Half to him or them that shall inform and sue for the same.

Assay-masters appointed.

**And further,** That Capt. *Thomas Smith*, Mr. *Jonathan Jackson*, and Mr. *Jonas Clark*, of *Boston*, be the first and present Assay-Masters for the Towns of *Boston* and *Charlestown*, and that they and all others, hereafter chosen to that Office, shall make Oath as follows, *viz.*

Assay-masters Oath.

I A. B. *do solemnly Swear, That I will to the best of my Skill, prove and make Trial of all Worms and Still-Heads, within the Town of C. that are used or designed to be made Use of in Distilling, that shall come to my Knowledge, for which there is no Certificate in the Town Clerk's Book, and will make a true and faithful Report thereof to the Town Clerk for the Time being.*

So help me GOD.

CHAP.

# An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston*, upon Wednesday the twenty-ninth Day of *May*, 1723. And continued by several Prorogations unto Wednesday the twenty-third Day of *October* following, and then met.

## CHAP. III.

## An Act in Addition to the Act for the more effectual providing for the Support of Ministers.

*WHEREAS in and by an Act made in the first Year of the Reign of her late Majesty Queen* ANNE, *Intituled*, An Act for the more effectual providing for the Support of Ministers, *the Inhabitants of each District or Precinct regularly set off from any Town, are impowered to choose Assessors for the assessing and raising a Maintenance and Support for the Minister of such District or Precinct, and other Precinct Officers: But no Provision or Direction is yet made in the Law for the first calling and assembling the Inhabitants of any District, Precinct or Parish regularly set off from any Town in the Province; for want of which, many Inconveniencies have arisen, and may still arise:* 1 *A.* ca. 3. Preamble.

For Remedying whereof:

**Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That it shall and may be lawful for any Justice of the Peace in the County where such Precinct, District or Parish, regularly set off (as aforesaid) is; and such Justice is hereby impowred upon Application to him made by five or more of the Freeholders of such Precinct, District or Parish, by writing under their Hands for calling of a Meeting, to issue out a Warrant for the assembling of such District, Precinct or Parish, as aforesaid, directed to one of the Freeholders, asking the same, requiring him to notify the Freeholders and other Inhabitants (qualified by Law to vote in Town Affairs) of the Meeting, and the Time and Place for the same; which Notification shall be giving in Writing posted up in some publick Place or Places, within the said District, Precinct or Parish, fourteen Days before the Day appointed for the Meeting: And such and so many of the Freeholders and other Inhabitants, as aforesaid, that are assembled and met accordingly, shall have Power by a major Vote to choose a Moderator, as also a Clerk to enter and record all Votes and Orders, that from Time to Time shall be made and passed in the said Precinct, District or Parish Meetings, who shall be sworn to the faithful Discharge of his Office, as the Law directs for the swearing of Town Officers; and further to choose a Committee for calling of Meetings of the Precinct, District or Parish for the future: And no other Affair shall be transacted at any such Meeting, than what is expressed in the Warrant or Notification for such Meeting. Justices of Peace upon Application to call Precinct Meetings. Nothing to be pass'd but what is contain'd in the Warrant.

## An Act,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*; Begun and held at *Boſton*, upon Wedneſday the twenty-ſeventh Day of *May*, 1724.

### CHAP. IV.

12 *A.* ca. 4. **An Act in Addition to the Act for holding ſpecial Courts of Aſſize and General Goal Delivery.**

Preamble. *WHEREAS in and by an Act made in the twelfth Year of the Reign of her late Majeſty Queen* ANNE, *Proviſion is made for the calling and holding ſpecial Courts of Aſſize and General Goal Delivery, for the Trial of Offenders in Caſes of Murder only on extraordinary Occaſions, when the ordinary Time ſet and ſtated by Law for the holding the Superiour Court of Judicature, Court of Aſſize and General Goal Delivery, in the reſpective Counties, happens to be at a conſiderable Diſtance from the Time of the Offenders being apprehended: And it being found neceſſary that there ſhould be the like Proviſion made for the Trial of Offenders in all capital Caſes:*

Special Courts of Aſſize to be held for trial of any capital Offenders. **Be it therefore enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame,** That it ſhall and may be lawful to and for the Governour or Commander in Chief, for the Time being, by and with the Advice and Conſent of the Council, upon any extraordinary Occaſion and Emergency, as aforeſaid, by a Precept directed to the Juſtices of the Court of Aſſize, and General Goal Delivery, to order and appoint them to hold a ſpecial Court, as ſoon as may be, for the Trial of any capital Offender or Offenders, where the Offence is by Law made Felony of Death, and to cauſe *Venires* to be iſſued forth for the ſummoning Jurors for ſuch Court out of the ſeveral Towns, as uſual, for the ſtated Courts, and to make out all other neceſſary Proceſſes, and do what elſe ſhall be requiſite, according to the Powers given them in and by the Act for eſtabliſhing a Superiour Court of Judicature, Court of Aſſize and General Goal Delivery. And the Judges and Officers of ſuch ſpecial Court, to have ſuch Allowance for their Attendance and Service, as ſhall be ordered by this Court.

## Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and Held at *Boſton*, upon Wedneſday the twenty-ſeventh of *May*, 1724. And continued by ſeveral Prorogations unto Wedneſday the eleventh Day of *November* following, and then met.

### CHAP. I.

13 *W.* ca. 10. **An Act for the better Regulating the Admiſſion of Town Inhabitants within the Province of the *Maſſachuſetts-Bay*.**

Preamble. *WHEREAS in and by an Act or Law of this Province made and paſs'd in the eighth Year of his preſent Majeſty's Reign, Intituled,* An Act in Addition to an Act directing the Admiſſion of Town Inhabitants, *made and paſs'd in the thirteenth Year of the Reign of King* William *the third;* It is therein enacted, "That upon the arrival of any Ship or Veſſel "in

" in any Port or Harbour within this Province transporting any Passengers, " Servants or others whatsoever, and before Bulk be broken, or such Passen- " gers, Servants or others be suffered to land or come on Shore, the Maste. of " such Ship or Vessel shall repair to the Select-men or Treasurer of such Town " where no Receiver of Impost dwells, and give in a List or Certificate of all " the Passengers, Servants and others he has brought in his Ship or Vessel from " beyond Sea, with their Circumstances, and Merchandize they bring with " them, as near as can be: And the Master of such Ship or Vessel shall enter " into sufficient Bonds to the Satisfaction of the said Select-Men or Treasurer of " the Town where the Ship or Vessel arrives, to save such Town harmless from " all Manner of Charge arising or that may arise to the same Town, by Reason " of such Passengers, Strangers, Servants or others arriving among them. '

Recital from an Act of the 8th of King GEORGE which is re-peard and not printed in this Book.

*And whereas the true Intent of the said Act was to prevent the Importation of poor, vicious and infirm Persons, who might prove either a publick Charge to the Province in general, or to some particular Town, without any Design to lay a Difficulty or Discouragement upon Trade:*

Masters of Ships to give Security for their Passengers.

**Be it therefore enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That when any Ship or Vessel importing any Passengers, shall arrive in any Port or Harbour within this Province, the Master of such Ship or Vessel before Bulk be broken, or such Passengers be suffered to land or come on Shore, shall repair to the Select-men or Treasurer of such Town where no Receiver of Impost dwells, and give in a List or Certificate of all the Passengers he has brought in his said Ship or Vessel beyond Sea, with their Circumstances, and the Merchandize they bring with them, as near as can be: And such Passengers as can make it appear, that they then bring with them into this Province Effects to the Value of *fifty Pounds*, (not including necessary Houshold Goods and wearing Apparel) as likewise all able-bodied Husbandmen, Mariners, Handy-crafts-men, Labourers and indented Servants; provided they are not Persons of vicious Conversation, or ill Fame, shall be and hereby are admitted to Land without the Master's being subject to give Security: But as for all others, the Master of such Ship or Vessel shall enter into Bond within five Days after his arrival as aforesaid, with sufficient Sureties to the Satisfaction of the said Select-men or Treasurer, as aforesaid, in a Sum not exceeding *One Hundred Pounds* for each Passenger, to save such Town harmless from all Manner of Charge arising, or that may arise to the said Town from such Passengers for and during the term of five Years; on Pain of forfeiting the Sum of *One Hundred Pounds* for the Use of the Poor of the Town or Place where such Passengers shall be landed, or set on Shore: And in Case any Passenger or Passengers shall give sufficient Security for themselves to the Acceptance of the Select-men or Treasurer, as aforesaid, the Master of the said Vessel is exempted from giving Bond so far as relates to them.

Persons exempted from having Security for them.

Bond for five Years.

Penalty for not giving Security.

Lists and Security to be given for Passengers in Coasting Vessels, &c. on the same Penalty.

**And be it further enacted by the Authority aforesaid,** That the Master of every Coasting Vessel, Wood Sloop, Fishing Vessel or others, coming from any Port or Harbour of this or any neighbouring Governments into *Boston*, or any other Port or Harbour within this Province, shall within twenty four Hours after his Arrival deliver to the Receiver of Impost, where such Officers are, and where none are to the Select Men or Treasurer of the Town, a perfect List or Certificate of the Christian and Sir-Name of all Passengers brought in such Vessel (which are not setled Inhabitants of any Town in this Province) and their Circumstances, so far as he knows, and give Bond as aforesaid, on Pain of forfeiting the Sum of *One Hundred Pounds*, for the Use of the Poor of the Town or Place where such Passengers shall be landed, or put on Shore: And the Forfeitures in this Act mentioned to be recovered by Bill, Plaint or Information, by the Select-Men or the major Part of them, or the Treasurer of such Town where the Ship or Vessel arrives, in any of His Ma-

jesty's Courts of Record within this Province: Any Law, Usage or Custom to to contrary thereof notwithstanding.

The former Act repealed.

And the afore recited Act *in Addition to the Act directing the Admission of Town Inhabitants,* is hereby repealed and declared void.

## CHAP. II.

4 G. 2. ca. 1.

### An Act to enable the Executors or Administrators of Constables or Collectors deceas'd, to sue for and recover any Assessments not collected by them in their Life-time.

Preamble.

*WHEREAS the several Constables and Collectors that have Rates or Taxes committed to them to collect, stand by Law indebted and are obliged to pay in the same to the several and respective Treasurers or Receivers of the Rates and Taxes within this Province: But no Provision is yet made in the Law for the Executors or Administrators of any such deceased Constables or Collectors, who have not settled and made up their Accompts, as by the said Law is provided, to gather in or collect the same, or so much thereof as may happen to be unpaid:*

Executors or Administrators of deceased Constables or Collectors impowred to collect Rates.

**Be it therefore enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That when and so often as it shall so happen that any Constable or Collector within this Province heretofore deceased, or that shall die before he shall have collected the several Sums committed to him by lawful Authority to collect of the Inhabitants of this Province for their Town, Precinct, County or Province Tax, that then and in such Case, it shall and may be lawful for the Executors or Administrators of such deceased Constables or Collectors to levy and collect such Sums of the Inhabitants named in the Lists to them severally committed, as upon the decease of such Constables or Collectors shall appear due or unpaid to them respectively: And such Executors or Administrators by themselves, or their Attorneys, are hereby impowred to do, perform and execute all the Powers granted by Law to the several Constables and Collectors in such Cases: Any Law, Usage or Custom to the contrary notwithstanding.

## CHAP. III.

5 W. & M. ca. 10.

### An Act for Explanation of, and in Supplement to an Act, Intituled *An Act for High-Ways*, made in the fifth Year of the Reign of King *William* and Queen *Mary*.

Preamble.

*WHEREAS in and by an Act made and pass'd in the fifth Year of the Reign of King* WILLIAM *and Queen* MARY, *Intituled* An Act for High Ways, *the Inhabitants of each Town respectively within this Province are obliged (without reasonable Excuse made) under certain Penalties to attend by themselves, or other sufficient Person in their Steads, or with their Carts and Teams, for the keeping in Repair and amending from Time to Time all High-Ways &c. lying within the Precincts of such Town, upon convenient publick Notice given them by the Surveyors for the said Work, as by the said Act more fully appears: But forasmuch as there is no Direction in the said Act for stated Limits to be observed by the said Surveyors in repairing and amending the said high Ways, and great Inconveniencies have happen'd or arisen in many Towns:*

Select-men &c. to appoint Districts to the Surveyors of High Ways.

For Remedy whereof:

**Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That the Select-Men of each respective Town within this Province, with

with one or more Juſtices of the Peace in thoſe Towns where ſuch there are; or otherwiſe, the Select-Men by themſelves, ſhall be and hereby are directed and impowred to appoint to the Surveyors of ſuch Town, their ſeveral Diviſions or Diſtricts for repairing and amending from Time to Time, all High-Ways lying within the ſame; which the ſaid Surveyors are hereby required to obſerve and conform unto.

*And to the Intent that all Perſons liable by the ſaid Act to Work in the High-Ways may have ſuch Notice to attend the ſaid Work, as in and by the ſaid Act is provided:*

Be it further enacted by the Authority aforeſaid, That the Surveyors reſpectively be and hereby are required (extraordinary Caſualties excepted) ſix Days at leaſt before the Day appointed for providing Materials and working in the High-Ways, to notify ſuch Perſons to attend the ſaid Work, either by themſelves or other ſufficient Perſons in their Stead, or with their Carts and Teams; the ſaid Notifications to be by writing under the Hands of the ſaid Surveyors, ſignifying the Time and Place of Attendance, and to be left at the Place of ſuch Perſons uſual abode. And if any Perſon being ſo notifyed make Default of attending ſaid Work by himſelf or other ſufficient Perſon in his Stead, or with his Cart and Team, as he ſhall be appointed; he ſhall forfeit the Sum of *five Shillings* for each Days Neglect, and for Default of his Cart and Team with a Driver, *ten Shillings* per Diem; one Moiety of the ſaid Forfeitures to be to the Uſe of the Surveyors, the other Moiety to be to the Uſe of the Town, and to be recovered as in and by the ſaid Act is provided: Any Law, Uſage or Cuſtom to the contrary notwithſtanding. Surveyors to notify Perſons to work in the High-Ways.

*Provided*, That this Act ſhall not extend to the preventing or altering the Practice in any Town of defraying the Charge of repairing or amending the High-Ways by a Rate or Tax, or any other Method they have or ſhall agree upon; any Thing herein contained to the contrary notwithſtanding. Proviſo.

## CHAP. IV.

## An Act in Addition to an Act, Intituled, *An Act for the better Regulating the Ferry over* Charles-River, *betwixt* Boſton *and* Charleſtown, made in the ninth Year of the Reign of the late Queen *Anne*.

8 *W.* ca. 7. 9 *A.* ca. 1.

WHEREAS *it is found neceſſary for the expeditious Paſſage both of Man and Horſe over* Charles-River, *that there be more Boats than three, which are already by Law eſtabliſhed*: Preamble.

Be it therefore enacted by the Lieutenant Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That from and after the twenty-fifth Day of *March* next, there be four ſufficient Boats kept and maintained for the more ſpeedy Tranſportation of Men and Horſes over the ſaid Ferry; and two Boats ſhall be paſſing at one and the ſame Time, and not more than one Boat at either of the Shores under the Penalty of *twenty Shillings*; one Third to the Informer, one Third to the Uſe of the Poor of the Town of *Boſton*, and the other Third to the Poor of the Town of *Charleſtown*; to be recover'd by Information or Complaint made to any Juſtice of the Peace, who may reſtrain the Offender or Offenders until he or they ſhall pay the ſame. Four Boats to ply at *Charleſtown* Ferry. One Boat only to be at each Shoar. Penalty.

And be it further enacted by the Authority aforeſaid, That there be made, and from Time to Time kept in good Repair ſufficient and convenient Ways, for paſſing to and from the Ferry Boats at the landing Place on either Side, at the Charge of the Perſons who have the Profit or Income ariſing by the ſaid Ferry: Any Law, Uſage or Cuſtom to the contrary notwithſtanding. Convenient Ways to be kept at the Ferry.

# Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston*, upon Wednesday the twenty-sixth Day of *May* 1725. And continued by several Prorogations unto Wednesday the third Day of *November* following, and then met.

## CHAP. I.

### An Act in Addition to an Act Intituled, An Act *enabling Sheriffs and Constables to require Aid*, &c. made in the tenth Year of the Reign of the late King *William*.

10 *W.* ca. 1.

Preamble.

*WHEREAS notwithstanding the Provision made in the said Act, some Question has arisen upon the Power of Constables, Whether they have any Authority to convey any Persons by them apprehended in pursuance of any lawful Warrants or Writs to them directed, any further than through their own Towns and Precincts?*

Constables Authority in the Execution of Writs and Warrants.

**Be it declared and enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That the Constable or Constables of the several Towns within this Province, have full Power and Authority, in the Execution of the several Warrants or Writs to them directed, by lawful Authority, to convey as well any Prisoner or Prisoners, as Things that they may take into their Custody, either to the Justice issuing such Warrant or Writ, or the common Goal of the County where such Constable is an Inhabitant, according as in the Writ or Warrant may be directed.

## CHAP. II.

### An Act to impower the Sheriffs, Constables and other Officers of Justice in the neighbouring Provinces and Colonies, as well to pass and repass, as to convey such Persons or Things as may be in their Custody, on the Service of any Writ, Warrant or other Process, by and through any of the Roads or publick Ways lying in or leading through any of the Towns or Lands of this Province.

Preamble.

*WHEREAS many of the Towns of this Province and the neighbouring Provinces or Colonies of* New-Hampshire, Connecticut *and* Rhode-Island, *and the publick Roads leading to and from one another, are so intermixed, that the Officers of Justice of the respective Provinces and Colonies in the Execution of Writs, Warrants, and other Processes, are oftentimes obliged (the Roads or direct Way so leading) to pass and even to convey Prisoners through Towns or Lands not belonging to or under the Jurisdiction of the Province or Colony unto which the Sheriff, Under-Sheriff, Constables, or other Officers of Justice executing such Writ, Warrant or other Process belongs, and where the Writs or Warrants are returnable, but to the neighbouring Colony or Province; whereupon some Dispute, Difficulty or Inconvenience might arise, as well to the Prejudice of the publick Good, as to the Damage of private Persons:*

For

For Remedy whereof:

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same That the Sheriffs, Under-Sheriffs, Constables, or other Officers of Justice of the neighbouring Provinces or Colonies, with their Assistants, in the Execution of any Writs, Warrants or other Process, issuing from and returnable to their respective Provinces or Colonies, may and shall have full Liberty Power and Authority, to pass and repass, and also to convey such Persons or Things as they have in their Custody by Virtue of any Writ or Warrant as aforesaid, in or by any of the Roads or Ways lying in or leading through any of the Towns or Lands of this Province, in as full and ample Manner as the Officers of Justice of this Province do use and exercise in the Discharge of their Duty and Office: And all Persons insulting or obstructing such Officers of Justice of the neighbouring Colonies or Provinces, in the due Execution of their Office, as they are passing through any of the Roads or Lands of this Province, shall be subject to the same Pains and Penalties, as is provided for the Protection of the proper Officers of Justice within this Province.

Sheriffs, &c. of the Neighbouring Provinces allow'd to pass and repass, in this Province, &c.

Penalty for obstructing them.

## CHAP. III.

## An Act in Addition to the several Acts for the more safe keeping the Registry of Deeds, and Conveyances of Lands.

9 *W.* ca. 7. 1 *G.* ca. 4. 7 *G.* ca. 5.

*WHEREAS in an Act made and pass'd in the first Year of his present Majesty's Reign, Intituled,* An Act for the more safe keeping the Registry of Deeds and Conveyances of Lands (*which Act was temporary, but made perpetual by an other Act made in the seventh Year of his Majesty's Reign, Intituled, An Act in Addition to an Act Intituled* An Act for the more safe keeping the Registry of Deeds and Conveyances of Lands) *it is among other Things enacted,* "That in Case of Non-acceptance, Death or Removal of any "Person elected to be Register of Deeds, in any of the Counties of this Pro- "vince, two or more of His Majesty's Justices within such County (*Quorum "Unus*) be impowred to grant out their Warrants directed to the Select-men "of the several Towns within such County, ordering them forthwith to convene "the Freeholders of the respective Towns, and proceed to the Choice of some "other meet Person, the said Votes to be brought in as in the Election of County "Treasurer." *Which is to the next Court of General Session of the Peace: By which Method a Vacancy may happen in the said Office for some Months, to the great Damage and Risque as well of particular Persons, as of the County in general:*

For Remedy of which Inconvenience:

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when any two or more of His Majesty's Justices of the Peace (*Quorum Unus*) within any of the respective Counties of this Province (living in or near the Shire Town) shall in Case of the Non-Acceptance, Death or Removal of any Person elected Register of Deeds for such County, grant out their Wrrrants, directed to the Select-men of the several Towns within such County, ordering them forthwith to convene the Freeholders of their respective Towns, and proceed to the Choice of some other meet Person, as aforesaid: The said Justices shall make their Warrants returnable to themselves at a certain Day, as soon as conveniently may be, ordering the said Select-men to seal up the Votes for Register, and return them together with the said Warrants: And the abovesaid Justices shall at the same Time give out their Notifications to the other Justices of such County of their Proceedings herein, desiring them to meet upon the Day appointed for the Return of the said Warrants, at some certain Place in the Shire Town; and the major Part of the Justices of such County being met together on

Warrants for chusing a Register of Deeds to be return'd to the Justices issuing them, in Case of the Death, &c. of the Register.

on ſuch Day, the ſaid Votes for Regiſter ſhall be opened and ſorted in Preſence of the ſaid Juſtices, and the Perſon having the moſt Votes ſhall be Regiſter of Deeds for ſuch County, until the Time appointed by Law for the Election of Regiſters throughout this Province.

Clerk of the Pleas to receive Deeds &c. in Caſe of a vacancy in the Regiſter's Office.

**And be it further enacted by the Authority aforeſaid,** That immediately upon a Vacancy in the Office of Regiſter of Deeds in any County within this Province, the Clerk of the Inferiour Court of Common Pleas, being firſt ſworn before two of his Majeſty's Juſtices of the Peace (*Quorum Unus*) for the faithful Diſcharge of this Truſt, ſhall take into his Cuſtody the ſeveral Books wherein the Deeds and Conveyances of Lands are regiſter'd, together with the Deeds and other Papers lying in the ſaid Office, and that the ſaid Clerk be and hereby is impower'd to receive the Deeds and other Inſtruments brought to be Regiſtred, and he ſhall note upon them the Time of their being received, and the Record ſhall bear Date accordingly, for which he ſhall be allowed *ſix Pence* for each Deed, and no more: And upon the Appointment of a new Regiſter as aforeſaid, he ſhall deliver up the ſaid Books, Deeds and Papers into his Hands: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

The Clerk's Fee for receiving Deeds &c.

## CHAP. IV.

12 *W.* ca. 6.

## An Act in further Addition to the ſeveral Acts or Laws of this Province, relating to the Office and Duty of a Coroner.

Preamble.

*WHEREAS by the aforeſaid Acts, a Coroner is not impowred to conſtitute or appoint a Deputy or Deputies under him, to ſerve ſuch Writs as he is enabled by Law to ſerve, ſo that by Reaſon thereof there may be a Failure or Delay of Juſtice:*

For Prevention whereof:

Coroners impowred to appoint Deputies for ſerving Writs, &c.

**Be it enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame,** That from and after the Publication of this Act, it ſhall and may be lawful for the ſeveral Coroners within this Province to conſtitute and appoint one or more Deputies, for and within their reſpective Counties; and the Perſons ſo deputed and ſworn, are hereby authorized to ſerve and execute all ſuch Writs and Proceſs, as ſhall be directed to the Coroner or his Deputy, wherein the Plaintiff, Defendant or Complainant ſhall be a Sheriff, Under-Sheriff or Deputy of any of the Counties within this Province: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and held at *Boſton*, upon Wedneſday the twenty-fifth Day of *May*, 1726.

## CHAP. V.

10 *W.* ca. 5.

## An Act in Addition to, and for rendring more effectual an Act made in the tenth Year of the Reign of King *William* the third, Intituled, *An Act for preventing of Treſpaſſes.*

Preamble.

*WHEREAS the Act or Law already made for the preventing Treſpaſſes hath been found ineffectual for that Purpoſe, ſo that a further Proviſion is neceſſary to be made:*

Be

Fines for cutting Trees, Timber, Underwood, &c. without Licence.

Be it therefore enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That no Perſon or Perſons do or ſhall cut, fell, deſtroy or carry away any Trees, Timber, Wood, or Under-wood whatſoever, ſtanding, lying or growing on the Land of any others, or off or from the Commons of any Town, other than that to which he or they belong, or within the ſame Town, having no Right or Privilege there, without Leave or Licence from the major Part of the Propriety of ſuch Commons, or the Owner or Owners of the Land whereon ſuch Trees, Timber, Wood or Underwood was ſtanding, lying or growing; on Pain that every Perſon ſo cutting, felling, deſtroying or carrying away the ſame; or that ſhall be aiding or aſſiſting therein, ſhall for every ſuch Treſpaſs forfeit and pay to the Party or Parties injured or treſpaſſed upon, the Sum of *forty Shillings* for every Tree of one Foot over; and for all Trees of greater Dimenſions three Times the Value thereof, beſides *forty Shillings*, as aforeſaid, and *twenty Shillings* for every Tree or Pole under the Dimenſion of one Foot Diameter, and for other Wood or Under-wood, treble the Value thereof; which ſeveral Penalties, Forfeitures and Damages, ſhall and may be recovered by Action Bill, Plaint, or Information upon Conviction of the Treſpaſſer or Trepaſſers, as is hereafter ſpecially provided and enacted, before any Juſtice of the Peace in the County where the Treſpaſs is committed; if the Penalty or Damage exceed not *forty Shillings*, but if it be above that Value, then before the Court of Common Pleas in the ſame County.

Fine for throwing open Fences, Gates, &c.

And be it further enacted, That if any Perſon or Perſons ſhall throw or leave open any Bars, Gates, Fence or Fences, belonging to or incloſing any Lands held in Propriety or Common, or belonging to any particular Perſon or Perſons, within any Town in this Province, or that ſhall dig up or carry away any Stones, Oar, Gravel, Clay, Sand, Turf or Mould, Roots or Plants, belonging to the Proprietors of any common Lands, or to any particular Perſon or Perſons, as aforeſaid, ſhall for every ſuch Treſpaſs, upon Conviction thereof, as in and by this Act is hereafter provided, forfeit and pay treble Damages, and alſo a Sum not exceeding *five Pounds* to the Party or Parties injured thereby, according to the Nature and Aggravation of the Treſpaſs; to be recovered in Manner, as aforeſaid.

And for carrying away Stones, Oar, Gravel, &c.

Preamble.

*And forasmuch as it is very hard and difficult to detect and convict any Treſpaſſer or Treſpaſſers againſt this Act, in the ordinary Courſe and Method of the Law, by Reaſon the Treſpaſſes are geneally committed where poſitive Evidences can ſcarcely ever be had:*

Manner of Conviction of the aforeſaid Crimes.

Be it therefore further enacted by the Authority aforeſaid, That in Caſe any Diſpute ariſe upon any Action, Bill, Plaint or Information brought, as aforeſaid, where the Plaintiff, Complainant or Informer ſhall charge the Defendant in Treſpaſs for cutting, felling, deſtroying or carrying away any particular Tree or Trees, parcels of Timber, Wood or Under-wood, or for throwing down or leaving open any Fence or Fences, Gates or Bars; or for digging up or carrying away any Stones, Oar, Gravel, Clay, Sand, Turff or Mould, Roots or Plants, off or from any ſuch Land, as aforeſaid, or of being aiding or aſſiſting therein: Then and in ſuch Caſe, if the Plaintiff, Complainant or Informer, or his Agent, or Attorney, ſhall make Oath *bona fide* that there hath been cut, fell'd, deſtroyed or carried away ſuch and ſo many Trees, parcels of Wood or Under-wood; or that any Fence or Fences, Gates or Bars have been thrown down or left open; or that any Stones, Oar, Gravel, Clay, Sand, Turff or Mould, Roots or Plants hath been dug up or carried away, as mentioned in the Writ; and that he ſuſpects the Defendant to have committed the ſaid Treſpaſs; and although the Plaintiff, Complainant or Informer, or his Agent or Attorney may not be able to produce any other Evidence thereof, than ſuch Circumſtances as render it highly probable in the Judgment of the Court or Juſtice, before whom the Trial is, then and in every ſuch Caſe, unleſs the Defendant ſhall acquit himſelf upon Oath (to be adminiſtred to him by the Court or Juſtice

that shall try the Cause, the Plaintiff shall recover against the Defendant Damages and Costs; but if the Defendant shall acquit himself upon Oath as aforesaid; the Court or Justice may and shall enter up Judgment for the Defendant to recover against the Plaintiff double his Costs occasioned by such Prosecution.

Preamble. *And whereas several ill-minded Persons, of late as well in the Night Time as the Day, (being disguised and painted) have pillaged and committed great Spoil in Cedar Swamps, and other Lands, and have laid open the Inclosures of particular Persons, by pulling down or destroying the Fences about them, not only to the great Damage of the Proprietors, or Persons interested, but also to the Injury of the Publick:*

Punishment for Persons disguised or painted that commit Trespasses. **Be it therefore enacted by the Authority aforesaid,** That if any Person or Persons having his or their Face or Faces blacked, painted or any Ways disguised, shall either by Day or Night commit any of the Trespasses aforesaid, or shall beat and abuse any of His Majesty's good Subjects, and be thereof convicted by due Course of Law, such Person so trespassing shall over and above the Damages aforementioned in this Act, be whip'd at the publick whipping Post, not exceeding twenty Stripes, as the Nature of the Trespass may require: Any Law, Usage or Custom to the contrary notwithstanding.

Proviso. *Provided*, That nothing in this Act shall be construed so as to debar or hinder the Surveyors of High Ways of doing any Thing necessary and convenient in and about their Duty, as by Law impowred.

This Act to be in Force from the seventh Day of *August* next.

## CHAP. VI.

## An Act against Hawkers, Pedlars and Petty Chap-Men.

Preamble. *WHEREAS Complaint has been made of great Hurt to, and Decay of Trade occasion'd by Hawkers, Pedlars and petty Chap-Men passing to and fro through the Country to vend Goods, Wares, and Merchandizes:*

For Remedy of which Mischief:

No Hawker, Pedlar, or petty Chapman to be allowed. **Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That from and after the Publication of this Act, no Hawker, Pedler, petty Chap-men, or other trading Person or Persons going from Town to Town, or other Mens Houses, and travelling either on Foot or with Horse, Horses, or otherwise, carrying to sell or exposing to Sale either in any Market, or in any House in any Town or Village, whereof such Person or Persons is not an Inhabitant, any Wares, Goods or Merchandizes, shall be permitted or suffered within this Province, on Pain of forfeiting all such Goods, Wares or Merchandize by him or them exposed to Sale, or so conveyed or transported, as aforesaid; one Third thereof to His Majesty to and for the Use and Support of the Government of this His Majesty's Province, one Third thereof for the Use of the Poor of such Town the where Offence is committed, the other Third to him or them that shall inform against and prosecute such Offender or Offenders for the same, to be recovered by Bill, Plaint or Information in any of His Majesty's Courts of Record within this Province, and shall further incur the Penalty of *twenty Pounds*, to be recovered in Manner as aforesaid, for the Uses aforesaid.

Goods to be forfeited.

Justice of the Peace to summon Hawkers &c. before him and bind them over. **And be it further enacted by the Authority aforesaid,** That it shall be in the Power of any of His Majesty's Justices of the Peace upon View, Complaint or Information to him made of any such Breach or Offence, to summon before him, and bind over such Offender or Offenders to the next Court of General Sessions of the Peace in the County where such Offence shall be committed; and for want of sufficient Security, to commit such Offender or Offenders to the common Goal of the County, to answer to the Complaint that shall then and there be exhibited against him or them, and also to secure all such Goods, Wares and Merchandize until the Trial.

And

And all Taverners, Ale-Houſe Keepers, common Victuallers and Retailers, are hereby ſtrictly forbidden to receive, or give any Entertainment to any Hawker, Pedlar, or petty Chap-man, or other trading Perſon, as aforeſaid, on the Penalty of *twenty Shillings* for each Offence, to be diſpoſed of in Manner as aforeſaid. Taverners &c not to give Entertainment to them. Penalty.

And all Juſtices, Sheriffs, Under-Sheriffs, Grand-Jurors, Conſtables, Tything-Men, and all other Officers, are hereby ſtrictly enjoined and required, to exert their utmoſt Vigour and Power to ſee that this Law be duly put in Execution. Officers to ſee this Act put in Execution.

## CHAP. VII.

### An Act to prevent Perſons from riding with naked Scyths.

*WHEREAS divers Perſons going to and returning from their Labour, do frequently ride with naked Scyths on high Ways, or through Lanes and Allies, which may prove hurtful to themſelves and others* : Preamble.

For Prevention whereof :

**Be it enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame,** That if any Perſon or Perſons from and after the Publication of this Act ſhall ride with a naked Scyth on the High Ways, or through any Lanes or Alleys ; ſuch Perſon or Perſons ſhall forfeit and pay for every Breach of this Act, upon Conviction thereof before any of his Majeſty's Juſtices of the Peace, the Sum of *ten Shillings* ; one Half thereof to the Poor of the Town where ſuch Offence is committed, and the other Half to the Informer that ſhall proſecute or ſue for the ſame. No Perſon to ride with naked Scyths on the High-Ways, &c.

## CHAP. VIII.

### An Act for the Reſtraining and better Regulating Appeals from the Court of General Seſſions of the Peace, and Inferiour Court of Common Pleas, within the Iſland of *Nantucket*.

*WHEREAS by the Act for eſtabliſhing a Superiour Court of Judicature Court of Aſſize and General Goal Delivery within this Province* ; *It is provided*, " That the Trial of all Matters and Cauſes by Appeal " from the Court of General Seſſions of the Peace, or Inferiour Court of Com- " mon Pleas reſpectively within the ſaid Iſland of *Nantuckett*, or by Writ of " Error relating to any Judgment given in the ſaid Inferiour Court, ſhall be in " the Superiour Court of Judicature Court of Aſſize and General Goal Deli- " very, to be held within the Counties of *Suffolk* or *Middleſex*." *And whereas there are two Superiour Courts of Judicature Courts of Aſſize and General Goal Delivery, held in each of the ſaid Counties of* Suffolk *and* Middleſex *in a Year* ; *one whereof is held at* Charleſtown *for the ſaid County of* Middleſex *on the laſt Tueſday of* January, *and the other at* Boſton *for the County of* Suffolk *on the ſecond Tueſday of* February : *And all Appeals and other Matters to be brought forward from the Inferiour Court of Common Pleas and Court of General Seſſions of the Peace held in the Month of* October *at the ſaid Iſland of* Nantucket, *lie to one of the ſaid Superiour Courts in* January *or* February, *as aforeſaid, which hath been found to be very inconvenient* ; *for that oftentimes by Reaſon of the Severity of the Weather at that Seaſon, it is very difficult and ſometimes impoſſible for the Parties and others concerned to come to either of the ſaid Superiour Courts, by Means whereof ſuch Perſons may looſe the Benefit of their Appeals, or other Matters that may be there depending* ; Preamble.

Wherefore for the Eaſe and Benefit of the Inhabitants of the ſaid Iſland of *Nantuckett*:

Appeals from *Nantucket* to *Boſton*. 7 *W.* ca. 8.

Be it enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That the Trial of all Matters and Cauſes by Appeal from the Court of General Seſſions of the Peace and Inferiour Court of Common Pleas reſpectively within the ſaid Iſland of *Nantuckett*, or by Writ of Error relating to any Judgment given in ſuch Inferiour Court, ſhall from henceforth be in the Superiour Court of Judicature Court of Aſſize and General Goal Delivery to be held at *Boſton* within and for the County of *Suffolk* on the ſecond Tueſday of *Auguſt*: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*; Begun and held at *Boſton*, upon Wedneſday the twenty-fifth Day of *May* 1726. And continued by ſeveral Prorogations unto Wedneſday the twenty-third Day of *November* following, and then met.

## CHAP. I.

## An Act in Addition to an Act for Regulating Ferries.

6 *W.* & *M.* ca. 6.

Preamble.

*WHEREAS ſundry Perſons of late, notwithſtanding the Proviſion already made by Law, do preſume to tranſport Paſſengers over and a-croſs the ſeveral ſtated Ferries within this Province, having no Right or Authority ſo to do, in Prejudice of thoſe who are aſſign'd and authorized to that Service, and therefore juſtly intituled to the ſole Benefit of the ſaid Ferries:*

For Prevention whereof:

Penalty for Perſons not authorized to tranſport Paſſengers acroſs any Ferry for Money.

Liable to pay Damages to thoſe that keep the Ferry.

Be it enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled and by the Authority of the ſame, That if any Perſon or Perſons ſhall from henceforth preſume to keep a Ferry, or tranſport Paſſengers over or a-croſs any ſtated Ferry within this Province, ſo as to demand or receive Pay, having no Right or Authority ſo to do; ſhall for every ſuch Offence pay a Fine of *twenty Shillings*: The one Half to His Majeſty, for and towards the Support of this Government, the other Half to him or them that ſhall inform and ſue for the ſame before one of His Majeſty's Juſtices of the Peace, or at the Court of General Seſſions of the Peace in ſuch County where the Offence may be committed; and be further liable to pay ſuch Damages as may or ſhall accrue to the Perſon or Perſons aſſigned and authorized to keep any ſuch ſtated Ferry or Ferries.

## CHAP. II.

## An Act in Addition to an Act, Intituled *An Act to enable Towns, Villages and Proprietors in Common and Undivided Lands &c. to ſue and be ſued*, made in the ſixth Year of the Reign of King *William* and Queen *Mary*

6 *W.* & *M.* ca. 5.

Preamble.

*WHEREAS in and by the ſaid Act*, "All Perſons, Towns, Villages, "Precincts, Truſtees for Schools, and Proprietors in Common and "Undivided Lands, Grants and other Eſtates or Intereſts whatſoever, "are impowred to ſue, commence and proſecute any Suits or Actions in any "Court proper to try the ſame, and in like Manner to defend all ſuch Suits and "Actions

" Actions as shall be commenced against them, or any of them, *&c.*" *And whereas by the said Act, there is no Provision made for the enabling any such Proprietors to raise Money for the carrying on or defending such Actions, or for any other publick Use in such Propriety; for want whereof many such Proprietors suffer great Loss and Damage in their Proprieties, and lose the Benefit of the said Law: And whereas the Time of fourteen Days for the serving of Writs before the Day of the Sitting of the Court hath by Experience been found too short a Time in such Actions and Suits as are brought against any such Towns, Precincts, Villages and Proprietors, as aforesaid:*

For the Remedying whereof, and the enabling Proprietors in Common and Undivided Lands to raise Moneys for the carrying on and prosecuting or defending any such Actions or Suits; or for managing any other publick Affairs in such Proprieties:

Proprietors of common Lands impowered to raise Money.

**Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That it shall and may be lawful to and for the Proprietors of any common and undivided Lands, or the major Part of them according to the Interests present, by themselves, or their lawful Attornies, at any Proprietors Meeting that shall hereafter meet upon legal warning to order the raising of any suitable Sum or Sums of Money that shall by them be thought sufficient to carry on and prosecute or defend any Actions or Suits that may be brought by or against them, or for the carrying on or managing any other publick Affairs relating to such Proprieties, and to appoint a suitable Number of Persons belonging to such Propriety, to proportion such Sum or Sums as shall be thought necessary to be raised for the Ends and Uses aforesaid, upon the Proprietors of such common and undivided Lands, according to their several Interests therein; and to appoint a Collector or Collectors to gather in and collect the same; which Collector or Collectors shall be and hereby are fully authorized and impowred to levy and collect the Sum or Sums set and apportioned for such Proprietors to pay, in the same Manner as Constables of Towns within this Province are impowred to levy and collect the publick Rates or Taxes, and to pay in the same to the Proprietors or their Clerk (who is hereby impowered to grant Warrants for levying and collecting such Assessment) at such Time as shall be by them appointed for Payment thereof; and such Clerk shall be accountable to the Proprietors therefor; the Person or Persons so assessing the said Proprietors, and the Collector or Collectors that shall be appointed for the gathering and collecting the Sum or Sums granted and agreed upon by the said Proprietors to be assessed and collected as aforesaid, shall be under Oath for the true and faithful Performance of their Services respectively; which Oath shall be administred to them, as the Law provides for swearing Town Officers.

To be collected in the same Manner as the Province Tax.

Assessors to be under Oath.

Writs to be served on Towns, Proprietors, *&c.* 30 Days before the Court.

**And be it further enacted by the Authority aforesaid,** That when it shall happen Suit shall be brought against any Towns, Precincts or Villages, or against the Proprietors of any common or undivided Lands, the Plaintiff bringing forward such Suit shall cause the Clerk of such Towns, Villages, Precincts or Proprietors, or one or more of their principal Inhabitants or Proprietors, to be served with a Copy of the Writ or Summons at least thirty Days before the Day of the Sitting of the Court, to which the same shall be returnable: Any Law, Usage or Custom to the contrary notwithstanding.

# Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston*, upon Wednesday the thirty-first Day of *May*, 1727.

## CHAP. III.

## An Act to disable the several Judges for the Probate of Wills and granting Administration in the respective Counties of this Province from sitting as Judges in Civil Actions, depending on, or relating to any Sentence or Decree, by them made in their Office aforesaid.

6 G. ca. 3.

Preamble.

*WHEREAS several of the Judges of the Probate of Wills, and for granting Administration on Intestate Estates within this Province, are, or may be Justices either of the Superiour Court of Judicature, or of the Inferiour Court of Common Pleas; before whom oftentimes Actions are brought and determined, that depend upon, or relate to the Decree or Sentence of such Judges of Probate: And it being inconvenient that such Judge of Probate should have a Voice in judging or determining such Cases:*

No Judge of Probate to be Judge or Attorney in another Court in any Cause wherein he has pass'd a Decree.

**Be it enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same,** That from and after the Publication of this Act, no Judge for the Probate of Wills, and granting Administration on Intestate Estates within this Province, shall be allowed or admitted to have a Voice in judging or determining, (nor shall he be admitted to plead, or act as an Attorney) in any civil Action whatsoever, which may depend on, or have Relation to any Sentence or Decree made or pass'd by him in his Office aforesaid: Any Law, Usage or Custom to the contrary notwithstanding.

## CHAP. IV.

## An Act in Addition to the Act Intituled, *An Act relating to Executors and Administrators.*

2 A. ca. 5.

Preamble.

*WHEREAS in and by an Act made in the second Year of the late Queen* Anne, *Intituled,* An Act relating to Executors and Administrators, (*among other Things*) It is enacted, "That any Executor being a residuary "Legatary may bring his Action of Account against his Co-Executor or Exe- "cutors of the Estate of the Testator in their Hands, and may also sue for "and recover his equal and rateable Part thereof; and any other residuary "Legatary shall have like Remedy against the Executors:" *And whereas it often happens that such Executor or Executors move or dwell out of the Province and leave the Estate of the Testator in the Hands and under the Management of their Agent or Attorney, whereby the Co-Executor and residuary Legatee lose the Benefit of the said Act; by Reason of which manifest Wrong is done:* For Remedy whereof:

Agent of Executors out of the Province liable to Suits, &c.

**Be it enacted by the Lieutenant Governor, Council and Representatives in General Court assembled, and by the Authority of the same,** That every Agent or Attorney of any Executor or Executors removed or dwelling out of this Province, shall be liable and subject to every Action and Demand by the Co-Executor or Executors or residuary Legatee, or any other Person, so far as said Agent or Attorney shall have received of the Estate of the Deceased into his own Hands.

Proviso.

*Provided always,* That the Action be brought within one Year from the Time of the Agents or Attornies receiving such Effects, and not after: Any Law, Usage or Custom to the contrary notwithstanding.

CHAP.

## CHAP. V.

### An Act to enable Guardians to join in the Partition of Lands, or other Real Estate wherein Minors are concerned.

*WHEREAS the Partition of Lands, or other real Estate among the Persons concerned, tho' much desired and of great Advantage, is often hinder'd and delay'd by Reason of Infants or Persons under Age being interested in such Estate, to the Damage as well of the Infants, as others therein concerned:* Preamble.

For Remedy whereof:

Guardians impower'd to join in the Partition of Lands, &c. 4 *W. & M.* ca. 20.

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That it shall be in the Power of the Guardian or Guardians of any Infants concerned in any Real Estate that is common or undivided, upon Application made to, and Leave had from the Superiour Court of Judicature holden for, and within the respective Counties of this Province, where such Lands or Real Estate lie, either by such Guardian or Guardians, or the other Partners interested, to join in and make Partition of such Real Estate, as aforesaid, to and among them: *Provided*, such Partition or Division be made upon Oath by five Freeholders (or the major Part of them) to be appointed by the Justices of the said Superiour Court, and a Return of such Partition to be made to the Clerk's Office of the said Court, and there to be recorded; which Partition or Division made in Manner, as aforesaid, shall be valid and effectual to all Intents and Purposes in the Law: Any Custom, Usage or Law to the contrary notwithstanding.

## CHAP. VI.

### An Act to enable Executors and Administrators to prosecute or defend any Suits that are depending, or hereafter shall depend upon Appeal, wherein the Testator or Intestate was or shall be Appellant or Appellee. 4 *W. & M.* ca. 2.

*WHEREAS it often happens that after Causes have been heard and tried at the Inferiour Courts of Common Pleas within the several Counties of this Province, the Party who is dissatisfied with the Judgment given, doth appeal therefrom to the next Superiour Court of Judicature to be holden within and for the same County, where the Action has been first tried: And many Times it comes to pass that either the Appellant or the Appellee dies before the Sitting of the Superiour Court appealed to; by Reason whereof the Great and General Assembly of this Province are often troubled with the hearing of Petitions from the Executors or Administrators, or the surviving Party, and spend much of their Time in passing Resolves for their having Liberty to begin their Suit a new, or for other Relief as the Matter may require; and by Means of the Death of either Party, pending the Appeal, the Creditor for a long Time hath been kept out of his just Dues, and the Proprietors of Houses and Lands kept out of Possession thereof, for want of a more speedy Remedy in the Law in such Cases:* Preamble.

1 *G.* 2. ca 9. Executors and Administrators impower'd to prosecute and defend Actions commenced before their being in such a Capacity.

Be it therefore enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That in Case of the Death of any Party, either the Appellant or the Appellee, before the Sitting of the Superiour Court appeal'd to, the Executor or Executors, Administrator or Administrators of such deceased Party, who was Appellant or Appellee shall have full Power to prosecute or defend any such Suit or Action (as shall be depending at the Death of the Testator or Intestate) from Court to Court until definitive Judgment: And the Justices of the Superiour Court before whom such Cases are triable, are hereby directed and impower'd to hear

hear and determine all ſuch Caſes, proceed to Judgment and award Execution accordingly: And when it ſhall ſo happen that either the Appellant or the Appellee be taken away by Death, ſooner than the Time of the Sitting of the Court appeal'd to, ſo that the Executor or Adminiſtrator of the Deceaſed hath not ſuitable Time to prepare for managing the Cauſe depending, or to become duly qualifyed to proſecute or defend the ſame: In ſuch Caſe it ſhall and may be lawful for the Juſtices before whom the Cauſe is to be heard and tried, to ſuſpend the hearing and trying of every ſuch Cauſe until the next Term after.

Court's Power to grant Imparlances, &c.

Judgment to be made up againſt the Eſtate of the Deceaſed, &c.

**And be it further enacted by the Authority aforeſaid**, That if by the Verdict of a Jury, Default or Neglect of proſecuting ſuch Appeal or otherwiſe, Judgment paſs againſt the Executor or Adminiſtrator of any Perſon deceaſed, the Juſtices of the Superiour or Inferiour Courts reſpectively, are hereby authorized and directed to make up Judgment againſt the Eſtate of the Deceaſed in their Hands, and under the Adminiſtration of the Executor or Adminiſtrator, as it ſhould have been in Caſe the Suit had been originally commenced by or againſt ſuch Executor or Adminiſtrator in that Capacity: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

## CHAP. VII.

## An Act in further Addition to, and for rendring more effectual an Act made in the tenth Year of the Reign of King *William* the third, Intituled, *An Act for preventing of Treſpaſſes.*

10 *W.* ca. 5. 12 G. ca. 5.

Preamble.

*WHEREAS in the Act made in the twelfth Year of his preſent Majeſty's Reign, Intituled* An Act in Addition to, and for rendring more effectual an Act made in the tenth Year of the Reign of King *William* the third, Intituled *An Act for preventing of Treſpaſſes; good Proviſion is made to prevent cutting, felling or deſtroying of Trees, Timber, Wood, Under-wood, breaking Fences, digging Oar, Clay, &c. But no Proviſion is therein made againſt cutting and deſtroying of Graſs and Sedge growing on the common Lands of any Town or Proprietors, or deſtroying and carrying away any Hay lying on the ſame, nor againſt taking away from any Wharff, or publick landing Place any Poſts, Rails, Plank, Boards, Slit-work, Cooper-Stuff, Shingles, Wood or Timber:*

Treſpaſs in cutting or carrying away Graſs, Hay or Corn.

Or Poſts, Rails and other Lumber or Goods.

Penalty.

**Be it therefore enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame**, That if any Perſon or Perſons after the Publication of this Act, ſhall preſume to cut or carry away any Sedge, Graſs, Hay or Corn, ſtanding, lying or being on any Land, belonging to any Town, Proprietors, or particular Perſons, where he or they ſo cutting or carrying away have no Right; or ſhall take away from any Wharff or common Landing Place, any Poſts, Rails, Plank, Boards, Slit-work, Cooper-Stuff, Shingles, Wood or Timber, or any other Lumber or Goods, which he or they have no Right to take, ſhall for every ſuch Treſpaſs forfeit and pay the Party or Parties ſo treſpaſs'd upon treble Damages; to be ſued for and recovered in any Court proper to try the ſame, after the ſame Manner of Conviction, and by the ſame Rules and Methods as is directed in and by the aforeſaid *additional Act for preventing Treſpaſſes*; unleſs ſuch Perſon or Perſons have firſt obtained Leave or Licence from the major Part of ſuch Town or Proprietors at a Meeting orderly warn'd and aſſembled for that Purpoſe, or from any particular Perſon or Perſons who are in Poſſeſſion of ſuch Lands or Wharffs.

Proviſo that Proſecution for Theft be not hereof bar'd.

*Provided nevertheleſs*, That this Act or any Clauſe therein ſhall not be underſtood or conſtrued ſo as to bar or hinder any Town, Proprietors or particular Perſons from proſecuting any other Perſon or Perſons for Theft, who ſhall carry away

away any Hay or Corn ſever'd from the Freehold, or ſuch as ſhall take from any Wharff or common landing Place, any Polls, Rails, Plank, Boards, Slit-Work, Cooper-Stuff, Shingles, Wood or Timber, or other Lumber or Goods, which he or they have no Right to take; but that in ſuch Caſe any Town Proprietors or particular Perſons may proceed in ſuch Manner as if this Law had not been made: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

## CHAP. VIII.

### An Act to enable Proprietors of Common and Undivided Lands to make Orders and annex Penalties thereon, for the better regulating and managing their Proprieties.

12 *A.* ca. 2.

*WHEREAS it ſo happens that in ſome Towns or Proprieties within this Province, there are ſome parcels of Upland, Sedge-Ground or Meadow-Ground, which lie under ſuch Circumſtances as render a Diviſion of the ſame very difficult and diſadvantageous; which notwithſtanding would be of conſiderable Uſe and Benefit to the Owners, if the ſame could be improved under due Regulations: But there being no Law of this Province to enable Proprietors to make Orders and annex Penalties to prevent Diſorder, evil-minded Perſons take ſuch Meaſure as ſometimes render the regular and orderly Improvement of ſuch Lands very difficult, if not impoſſible:* Preamble.

Be it therefore enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That Proprietors of common and undivided Lands at a Meeting warned as the Law directs and aſſembled, ſhall and may have Power by a major Vote of the Perſons then aſſembled, (ſaid Votes to be collected according to each ones Intereſt) to make and paſs ſuch Orders for fencing, improving and timing the Improvement of ſuch undivided Lands or Meadows as by them ſhall be thought proper and convenient, and to annex Penalties on the Breach and Non-obſervance of ſuch Orders, provided ſuch Penalty doth not exceed *fifteen Shillings* for one Offence; provided alſo that ſuch Order ſo made be allowed and approved of by the Court of General Seſſions of the Peace for the County where the Land lies, and is not repugnant to the general Laws of the Province, that then ſuch Order or Orders ſhall have ſuch Force and Effect, as that ſuch Proprietors thereupon by their Treaſurer, Agent or Agents may recover the Penalty thereto annexed againſt the Breakers or Non-obſervers thereof, in any Court proper to try the ſame; ſuch Penalty to be diſpoſed of as the Proprietors ſhall order or direct: Any Law, Uſage or Cuſtom to the contrary notwithſtanding. Proprietors of Common Lands impower'd to make Orders and annex Penalties. Proviſo.

## CHAP. IX.

### An Act for the rendring more effectual the Act Intituled, *An Act to prevent Nuſances by Hedges, Weares, and other Incumbrances, obſtructing the Paſſage of Fiſh in Rivers.*

8 *A.* ca. 3.

*WHEREAS in and by an Act made and paſs'd in the eighth Year of the Reign of Queen* Anne, *Intituled,* An Act to prevent Nuſances by Hedges, Weares, and other Incumbrances, obſtructing the Paſſage of Fiſh in Rivers; *all ſuch Incumbrances in the Rivers are diſallowed and forbidden without the Approbation of the Courts of General Seſſions of the Peace in the reſpective Counties, and ordered to be demoliſhed and pulled down, but no Penalty is provided in the ſaid Act:* Preamble.

Wherefore, for the more effectual preventing ſuch Nuſances;

Penalty for making Weares, &c. to obstruct the Passage of Fish.

**Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That whosoever after the Publication of this Act, shall set up, erect or make any Weares, Hedges, Fish Garths, Stakes, Kiddles, or other Incumbrances whatsoever on or a cross any River for straitning, obstructing or stopping the natural, usual or common Passage of the Fish, in the Spring, or other proper Seasons of the Year, without the Approbation of the Court of General Sessions of the Peace, shall for every such Offence forfeit and pay the Sum of *ten Pounds*, to be sued for and recovered by Plaint, Bill, or Information, in any of His Majesty's Courts of Record within the County, where the Offence is committed; one Half thereof to be to him that shall inform and sue for the same, and the other Half to the Poor of the Town or Towns, where such Incumbrances have been made or set up.

## An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston*, upon Wednesday the thirty-first Day of *May*, 1727. And continued by several Adjournments unto Wednesday the fourth Day of *October* following.

### CHAP. I.

### An Act to prevent Coparceners, Joint Tenants and Tenants in Common, from committing Strip and Waste upon the Lands by them held in Common and Undivided.

Preamble.

*WHEREAS it often happens that Persons having an Interest or Share in Lots of Land not subdivided to and among the interested, do privately and without the Knowledge of the rest, enter into and upon the same, cut down or carry away the Trees for Timber and other valuable Trees, or Wood, or make other Strip and Waste thereon, whereby the rest of the Partners or Interested are strip'd of their just Rights and Shares thereof:*

For Prevention of the same for the future:

Coparceners, joint Tenants and Tenants in common, not to make Strip &c. without giving Notice, &c.

**Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That from and after the Publication of this Act, no Person or Persons whatsoever, having a Right or Interest in any Lot or Lots of Land not subdivided, but lying in Common, shall or may fell, cut down, destroy or carry away any Trees for Timber, or other Trees, Timber, Wood or Under-wood whatsoever, standing, growing or lying on such Lands, or make any other Strip or Waste whatsoever, without first giving Notice in writing under his or their Hands, unto all the Persons interested therein, or to his or their Agents, Factors or Attornies, forty Days before Hand, setting forth, that he or they have Occasion for, and shall enter upon and improve such Lot or Lots of Land not subdivided as aforesaid, under the like Penalties and Forfeitures as are provided by an Act Intituled, *An Act in Addition to and for rendring more effectual an Act made in the tenth Year of the Reign of King* William *the third, Intituled An Act for preventing of Trespasses*, to be recovered before any one of His Majesty's Justices of the Peace, or in any of His Majesty's Courts of Record within the County where such Offence shall be committed, (as the Value of the Damage may be) by Action, Bill, Plaint or Information, to be brought and prosecuted by any one or more of the Persons interested, in the

Penalty.

10 *W.* ca. 5.

the Name and Behalf of the reſt (who are hereby authorized and impower'd ſo to do) one Moeity of the aforeſaid Penalties and Forfeitures to be to and for the Uſe of ſuch Perſon or Perſons, who ſhall inform and ſue for the ſame, and the other Moiety to and for the Uſe and Benefit of the reſt of the Proprietors or Perſons intereſted as aforeſaid.

*And whereas upon Suits brought for the Partition of Lands, Tenements or Hereditaments held in Common as aforeſaid, the Party or Parties againſt whom ſuch Suits are brought (who oftentimes have but a ſmall Intereſt therein) before a final Judgment can be obtained, and a Diviſion made of the ſame according to Law, do frequently cut down, deſtroy and carry away conſiderable Quantities of the Wood, Timber and Trees growing on ſuch Land, and do otherwiſe hurt and damnify the ſame Lands, Tenements and Hereditaments, to the great Prejudice of the reſt of the Owners thereof (eſpecially where they are Wood Lands) who are without any Remedy at the Common Law:* Preamble.

**Be it therefore enacted by the Authority aforeſaid,** That when a Writ ſhall be brought and ſerved at the Suit of any one or more Perſons intereſted in any Lot or Lots of Land, Tenements or Hereditaments held in common or undivided for a Diviſion and Partition of the ſame, no Perſon or Perſons whatſoever having a Right to or Intereſt in any ſuch Lands, Tenements or Hereditaments, or holding any Part or Share of the ſame in common as aforeſaid (whilſt ſuch Suit is depending) ſhall or may fell, cut down, deſtroy or carry away any Trees, Timber, Wood or Underwood whatſoever, ſtanding, growing or lying on ſuch Lands, or ſhall otherwiſe hurt or damnify any ſuch Lands, Tenements or Hereditaments, until Partition can be made of the ſame according to Law, on Pain that every Perſon or Perſons ſo offending ſhall incur the like Forfeitures and Penalties provided in the aforeſaid Act, Intituled, *An Act in Addition to and for rendring more effectual an Act made in the tenth Year of the Reign of King* William *the third, Intituled An Act for preventing of Treſpaſſes*; to be recovered by the Perſon or Perſons informing or ſuing for the ſame, in Manner as aforeſaid, to and for ſuch Uſes as are before mention'd and declared. No Perſon to make Strip whilſt Suit for Partition is depending. Penalty.

*Provided always,* That the Perſon or Perſons bringing forward ſuch Writ ſhall proſecute the ſame to Effect, and after obtaining Judgment, ſhall cauſe Execution to be ſerved for Partition of ſuch Eſtate, as ſoon as the Law will admit thereof, and it may conveniently be done. Writ of Partition to be proſecuted to Effect.

**And be it further enacted by the Authority aforeſaid,** That in all Offences againſt this Act, the Offender or Offenders ſhall be liable to a Conviction, in the ſame Manner as is already provided in the Act before mentioned. Manner of Conviction.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*; Begun and held at *Boſton*, upon Wedneſday the twenty-ſecond Day of *November*, 1727.

## CHAP. II.

## An Act in Addition to an Act Intituled, *An Act for High Ways.* 5 *W.* & *M.* ca. 8.

*WHEREAS in and by an Act made and paſs'd in the fifth Year of the Reign of King* William *and Queen* Mary, *Intituled,* An Act for High Ways, *Proviſion is made to impower the Select-Men of each Town reſpectively, either by themſelves or others, to lay out particular or private Ways for ſuch Town only, as may be thought neceſſary: But no Proviſion is made what Methods ſhall be taken in order to bring them to Record; ſo that there ſeems to be apparent Danger of ſuch Ways being laid out and committed to Record without the Knowledge of the Town or Towns reſpectively; which hath and may prove of very ill Conſequence:* Preamble.

For Remedy whereof:

Notice to be given the Towns of private Ways in *March* Meeting.

**Be it enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame,** That when and ſo often as the Select-Men, or any by their Order for the future, ſhall lay out any private or particular Way or Ways in and for any Town or Towns within this Province, ſuch Select-Men ſhall make Report to the Town in which ſuch Ways are laid out, at their annual Town Meeting in *March*; Notice of which Report ſhall be inſerted in the Warrant for calling ſuch Meeting, and no ſuch Way or Ways ſhall be eſteem'd eſtabliſh'd private Ways for ſuch Town, nor committed to Record, unleſs ſuch Town at a Town Meeting warned as aforeſaid, ſhall by a major Vote allow and approve thereof:

All private Ways to be allowed by the Town.

Private Ways may be altered by the Town.

**And be it further enacted by the Authority aforeſaid,** That it ſhall be in the Power of any Town or Towns within this Province at a legal Town Meeting, to alter or diſcontinue any particular or private Way or Ways within their reſpective Towns, which have been heretofore laid out and improved as ſuch, when it ſhall appear to ſuch Town or Towns that they are unneceſſary for the Common Good: And all ſuch particular or private Ways after ſo ordered by the major Vote of ſuch Town or Towns reſpectively, to be diſcontinued or alter'd, ſhall no longer be eſteem'd as particular or private Ways for ſuch Town or Towns.

Saving a Liberty of Appeal.

*Saving always*, To any Perſon or Perſons who ſhall be aggrieved or damnified by the altering, diſcontinuing or laying out of any ſuch Way or Ways as aforeſaid, a Liberty of applying for Remedy to the Juſtices of the General Seſſions of the Peace within the County where ſuch Alterations or layings out are made; who are hereby impowered and directed to inquire into, and determine the Matter by a Jury thereunto appointed, as well with Reſpect to the Neceſſity and Convenience by ſuch Diſcontinuance, laying out or Alteration as aforeſaid, as to the Damage that may happen or accrue to any particular Perſon or Perſons thereby, and thereupon to award Damages to the Party or Parties injured, againſt ſuch Town; unleſs it appears that ſuch particular Perſon or Perſons have no juſt Cauſe of Complaint; that then ſuch particular Perſon or Perſons ſhall pay all ſuch Coſt and Charge as ſhall or may ariſe by any ſuch Application to to the Seſſions.

Application to be made within a Year.

*Provided*, Such Application be made to ſuch Juſtices at their General Seſſions of the Peace, within twelve Months after ſuch Ways are altered or diſcontinued as aforeſaid, and not otherwiſe: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

---

## CHAP. III.

10 *W.* ca. 5.

## An Act for the more ſafe and eaſy Proſecuting Writs of Treſpaſs and Ejectment.

Preamble.

*WHEREAS ſometimes the Defendants in Actions of Treſpaſs and Ejectment are arreſted, and held to great and exceſſive Bail, where no juſt Cauſe can be for it; and ſometimes the Plaintiffs have their Writs abated, and the Tryal of their Right unreaſonably delayed, under Pretence that all the Tenants are not ſued:*

For Prevention whereof:

In Writs of Treſpaſs and Ejectment only the Defendants Bond to be required.

**Be it enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame,** That whenſoever any Perſon ſhall be arreſted upon a Writ of Treſpaſs and Ejectment, the Defendants own Bond and no other, ſhall be required for his Appearance to anſwer the ſame.

Defendants to anſwer for no more than they are in Poſſeſſion.

And whenever any Perſon or Perſons ſhall be ſued in Ejectment for any Lands, Tenements or Hereditaments, they ſhall be holden to anſwer for ſo much or ſuch Part of the Premiſſes demanded as they then hold, or are in Poſſeſſion of;

of; which they ſhall diſtinguiſh and ſet forth by their Plea, and diſclaim in the reſt: And if any of them diſclaims in the whole, and the Plaintiff cannot prove his the Defendant's Poſſeſſion of the Premiſſes, or any Part thereof, he ſhall recover his Coſts: Any Law, Uſage or Cuſtom to the contrary hereof in any wiſe notwithſtanding.

## CHAP. IV.

### An Act in further Addition to the ſeveral Acts relating to Treſpaſſes.

10 *W.* ca. 5.

*WHEREAS the ſeveral Acts or Laws already made for the preventing of Treſpaſſes have been found ineffectual for that Purpoſe in ſome Caſes, ſo that a further Proviſion is neceſſary to be made:* Preamble.

**Be it therefore enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame,** That no Perſon or Perſons do or ſhall preſume to take up, break down or damnify any Dam or Dams, made uſe of for the incloſing of Water improved for the Benefit of any Mill or Mills, flowing or drowning of Swamp or other Lands or Meadows, or let out the Water ſo incloſed, or obſtruct, hinder or ſtop the natural and uſual Courſe of any Stream of Water running from any Pond uſed and improved for the ſupplying any Mill or Mills with Water; either by ſtopping or ſhutting down the Sluce of ſuch Dam, or by wilfully erecting, ſetting up or making any Dam, or other Incumbrance a-croſs any Stream or Run of Water (having no Right or Priviledge ſo to do) belonging to any other Perſon or Perſons, and where he or they have a lawful Right between his or their Pond and Mill, or ſhall cut down, burn, damnify, carry away or deſtroy any Mill or Frame of a Mill, Floom, or any of the Timber, Boards or Implements uſed in and about the ſame, or ſhall pull down, cut, deſtroy, or any Ways damnify any Edifice, Building or Houſe not inhabited, Frame or Timber of any ſuch Building, Cellar or Well, being the Property, or in the Poſſeſſion of any other Perſon or Perſons; on pain that every Perſon or Perſons offending againſt this Act, or any Part thereof, or that ſhall be aiding or aſſiſting therein, ſhall for every ſuch Offence or Treſpaſs forfeit and pay to the Party or Parties ſo injured or treſpaſſed upon, treble the Value of all ſuch Damages as ſuch Party or Parties ſhall make appear to the Juſtice or Court and Jury, before whom the Trial ſhall be, that he or they have ſuſtained by any Breach of this Act, to be ſued for and recovered in any Court proper to try the ſame, after the ſame Manner of Conviction, and by the ſame Rules and Methods as is directed and provided in and by an Act Intituled, *An Act in addition to and for rendring more effectual an Act made in the tenth Year of the Reign of King* William *the third*, Intituled, *An Act for preventing of Treſpaſſes*, made in the twelfth Year of the Reign of his late Majeſty King *George*: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

No Perſon to damnify any Mill Dam, Mill-Pond, Frames, Cellars, &c.

Penalty.

Manner of Conviction.

12 *G.* ca. 5.

## CHAP. V.

### An Act in Addition to an Act Intituled, *An Act for enlarging the Fees of Grand Jurors.*

*WHEREAS the ſtated Allowance for a Grand Juror according to an Act made and paſſed in the ſixth Year of his late Majeſty King* George *the firſt, Intituled,* An Act for enlarging the Fees of Grand Jurors, *is but* three Shillings *per Diem, which is ſo ſmall that the ſame will not defrey his neceſſary Charges and Expences in travelling to, and Attendance at Court:* Preamble.

Allowance for Grand Jurors. 6 G ca. 6.

**Be it therefore enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That from hence forward the Allowance of a Grand Juror during his Attendance on the Court, and also for his necessary travel to and from the same, be *one Shilling* per Diem, over and above the aforesaid Allowance, accounting five Miles for half a Day's travel, and ten Miles for a whole Day, and so *pro rato*, but no Allowance to be made to any Person for less than half a Day's travel.

## CHAP. VI.

3 G. ca. 1.

## An Act in further Addition to an Act Intituled, *An Act in Addition to the Act for the better Observation and keeping the Lord's Day*, made and passed at a Great and General Court or Assembly held at *Boston* the seventh Day of *November* 1716. In the third Year of the Reign of his late Majesty King *George* the first.

Preamble.

*NOtwithstanding the many good and wholesome Laws made to prevent the Prophanation of the Lord's Day, some wicked and evil disposed Persons do yet presume to do unnecessary Work, take their Recreation and Sport, and travel on the said Day:*

For the more effectual perventing such vile and unlawful Practices:

Penalty for working or playing on the Lord's Day.

**Be it enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same,** That whosoever shall for the future, contrary to the said Act do or exercise any Labour, Work or Business of his or their ordinary Calling, or use any Game, Sport, Play or Recreation on the Lords Day, or on any Part thereof, shall forfeit and pay the Sum of *fifteen Shillings*; and upon a second Conviction the Sum of *thirty Shillings*, and give Bond with Sureties for their good Behaviour to the next Court of General Sessions of the Peace in the County where the said Offence is committed: And that all Persons that for the future shall travel contrary to the said Act, shall for the first Offence forfeit and pay the Sum of *thirty Shillings*, and upon a second Conviction the Sum of *three Pounds*, and give Bond with Sureties for the good Behaviour, as aforesaid: And in Case any of the Offenders mentioned in this Act shall be unable or refuse to pay and satisfy their Fines, they shall be adjudged to stand committed in the common Goal of the County, not exceeding the space of five Days, or set in the Cage or Stocks, not exceeding four Hours, according to the Discretion of the Court or Justices before whom such Conviction may be.

Preamble.

*And whereas the solemnizing of Funerals on the Lord's Day oft-times occasions great Prophanation thereon, by Servants and Children gathering in the Streets and walking up and down, to and from the Funerals, and is the Means of many Disorders and Irregularities then committed:*

For Remedy whereof:

No Funeral to be solemnized on the Lord's Day without Licence.

**Be it further enacted by the Authority aforesaid,** That from and after the Publication of this Act, no Funeral shall be attended on the Lord's Day or Evening following, except in extraordinary Cases, where the Corps by Reason of the excessive Heat of the Season may prove offensive, if not buried, or for some such like Reason, Liberty be granted therefor by one or more of His Majesty's Justices of the Peace living in such Town where the Funeral is to be performed; or if there be no Justice in such Town, then by the Select-Men or the major Part of them, who shall certify under their Hands, setting forth the Reason therefor to the several Sextons or Grave Diggers: And whoever shall presume to permit and direct any Funeral on the Lord's Day without

Liberty

Liberty as aforesaid, shall forfeit and pay the Sum of *forty Shillings*, and every Grave Digger or Sexton that shall by himself or Order be any Ways assisting at any Funeral, contrary to this Act, shall forfeit and pay the Sum of *twenty Shillings*. Penalty.

*And whereas the Laws now in Force for the Observation of the Lord's Day do not impower the Justices, Constables, Tything Men, or other Officers to inspect the Houses of Retailers of strong Drink, as it doth the Taverners, Innholders or common Victuallers on the Lord's Day, and the Evening preceeding and following the said Day; by Reason whereof great Resort at such Times is made to such Houses of Retailers of strong Drink:* Preamble.

Wherefore, for the better finding out and discovering Persons that shall be drinking or tipling at any Retailers Houses, Out-Houses, Yards or Dependencies thereof:

Be it enacted by the Authority aforesaid, That the Justices of the Peace, Constables, Tything Men, and all other Officers appointed for that Purpose, be and hereby are fully authorized to enter and search the Houses of Retailers in as large full and ample Manner, as they may do the Houses of common Victuallers, Innholders and Taverners, the Evening preceeding the Lord's Day, any Part of the said Day or Evening following. And if any Retailer of strong Drink shall entertain or suffer any of the Inhabitants of the respective Towns, where they dwell, or others not being Strangers or Lodgers in such Houses, to abide in their Houses, Yards, Out-Houses or Dependencies, drinking or idly spending their Time on Saturday Night after the Sun is set, on the Lord's Day, or the Evening following, shall forfeit and pay the Sum of *five Shillings* for every Person found in such Houses, contrary to this Act; and that the like Sum of *five Shillings* shall be paid by every Person so found and entertained in such House or Houses contrary to this Act. Officers impowred to inspect Retailers Houses on the Lord's Day, &c. Penalty for Retailers entertaining Persons on the Lord's Day, &c.

*And whereas there are different Apprehensions touching the Beginning of the Sabbath or Lord's Day:*

In order therefore for the more quiet and orderly Observation of the Lord's Day, and to prevent any Indecencies and Disorders:

Be it further enacted, That all Persons be and hereby are strictly forbidden swimming in the Water, unnecessary walking or riding in the Streets, Lanes or high Ways or common Field of the Town of *Boston*, and all other Towns or Places within this Province, keeping open their Shops or Ware-Houses, or following their secular Occasions the Evening preceeding the Lord's Day or Evening following, on Penalty, that every Person transgressing in any of the afore-mentioned Particulars, shall for the first Offence forfeit and pay the Sum of *ten Shillings*, and for the second Conviction the Sum of *twenty Shillings*, and give Bond with Sureties for the good Behaviour, as in this Act is already provided; and in Case any of the Offenders shall be unable or unwilling to pay such Fines, then to be punished as in this Act is already provided. All Fines and Forfeitures arising by this Act to be disposed of, one Half thereof for the Benefit and Relief of the Poor of such Town where the Offence is committed, the other Half to him or them that shall inform and sue for the same. And all his Majesty's Justices, Sheriffs, Grand-Jurors, Tything-Men and Constables, are hereby directed to take due Care that this Law, and the several Parts thereof be observed and kept: And it is further recommended to the Justices of the Court of Assize and General Goal Delivery, and the Justices of the Peace in the several Counties in their General Sessions at the opening of their respective Courts immediately before the Charge is given, to cause this Act to be publickly read in Courts; and that they then give it in special Charge to the Grand-Jury, that they diligently inquire after the Violaters of this Law, and present all Breaches thereof: Any Law, Usage or Custom to the contrary thereof notwithstanding. Penalty for unnecessary walking, riding, keeping open Shops, &c. on the Evening before and after the Lord's Day. This Act to be read in the Courts.

CHAP.

## CHAP. VII.

10 *W.* ca. 7.

## An Act in Addition to an Act Intituled, *An Act relating to Strays and loft Goods*, &c.

Fee for entring loft Goods, Strays &c.

BE it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Fee or Allowance to be paid the Town Clerk for entring any loft Money, Goods or Strays shall be henceforward *one Shilling* over and above the Fee allowed him by an Act made in the tenth Year of King *William* the third, relating to Strays and loft Goods, &c. And such Town Clerk shall be obliged once every two Months to transmit to the Register of Deeds in the County where he lives, an attested Copy under his Hand of all Entries that shall be made with him, of any loft Money, Goods or Strays, and shall pay to the Register *six Pence* for each Copy of an Entry, to be transmitted to him as aforesaid; and the Register shall keep a Book wherein he shall Record all Entries transmitted to him by the Town Clerk as aforesaid, and give out Copies of the same, when desired, taking the Fee of *six Pence* for each Copy, and no more; and for searching his Records *two Pence*, and no more: And if any Town Clerk or Register shall demand and take any greater or other Fees than are before mentioned, for the Matters aforesaid, or any of them, and be thereof convicted before any Court of Record in the County where the Offence shall be committed, he shall be subject and liable to the same Penalties that are enjoined by an Act for regulating Fees, made in the fourth Year of King *William* and Queen *Mary*, Chap. XVIII. for Persons transgressing, as is therein mentioned.

Such Entries to be sent to the Register of the County.

Register's Fee.

Penalty for asking greater Fees.

And be it further enacted by the Authority aforesaid, That if any Town Clerk or Register shall neglect or fail of doing their Duties respectively, as by this Act is provided and directed (their respective Fees in this Act mentioned being tender'd to them) he or they shall for every such Neglect forfeit and pay as a Fine a Sum not exceeding *forty Shillings*, one Half thereof to the Use of the Poor of the Town wherein such Town Clerk or Register respectively dwells, and the other Half to him or them that shall inform and sue for the same before any of His Majesty's Justices of the Peace in the same County.

Penalty for Town Clerk or Registers Neglect of Duty.

Persons to take up stray Beasts.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Person or Persons to take up any Horse, Gelding, Mare or other Beast for a Stray, and Account and take Care of them as Strays (the Owner thereof not being known) from the first Day of *November* to the first Day of *March* yearly: And such Person shall be allowed his reasonable Charge about the same, altho' he does not proceed to procure an Apprizement thereof (as by Law is provided) for the space of two Months next after the finding and taking up such stray Beast; provided the Finder and taker up of such stray Beast do attend the Directions of the Law in all other Respects relating to Strays, and do not ride or otherwise improve such stray Beast, until the same be apprized in Manner as by Law is already directed: Any Law, Usage or Custom to the contrary notwithstanding.

Charges to be allow'd without apprizing the Strays.

Proviso.

## CHAP. VIII.

## An Act in Addition to an Act Intituled *An Act to prevent Incestuous and Clandestine Marriages.*

Preamble.

WHEREAS *in and by an Act made and passed in the seventh Year of King* William *the third, Intituled*, An Act to prevent incestuous and clandestine Marriages; *It is (among other Things) Enacted*, "That "no Justice of the Peace or Minister shall presume to join any Persons in Mar- "riage without Certificate produced under the Hand of the Clerk of the several Towns

" Towns where the Parties respectively dwell, that the Names and Intention of " the Parties have been enter'd with him fifteen Days before Hand, and that due " Publication of such their Intention has been made in Manner as by Law is " directed, *&c.*" *But sometimes it so happens, that Persons who purpose Marriage live or reside in Towns or Places where there are no Town Clerks :* 7 *W.* ca. 6.

Be it therefore enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That in every such Town or Place where there is or shall be no Town Clerk, when any of the Inhabitants shall desire Marriage, they shall produce a Certificate from the Clerk of the Town next adjoining, that the Names and Intentions of the said Persons have been entred with him fifteen Days before Hand, and that due Publication of such their Intention or Purpose of Marriage hath been made in the Town where said Town Clerk dwells, That then and in such Case it shall and may be lawful for any Justice of the Peace, or ordain'd Minister, within their respective Limits, to join any such Persons in Marriage : And such Town Clerk is hereby directed to set up such Notifications, and give such Certificates, and shall be and hereby is in all Respects subjected to the same Pains and Penalties upon his Neglect that any other Town Clerk is by Law subjected to, for neglecting his Duty in observing the Laws relating to Marriage : Any Law, Usage or Custom to the contrary notwithstanding. Where there is no Town Clerk, the Clerk of the next Town to enter Marriages. Penalty.

## CHAP. IX.

### An Act in Addition to an Act Intituled *An Act to enable Executors and Administrators to prosecute and defend any Suits that are depending or hereafter shall depend upon Appeal, wherein the Testator or Intestate was or shall be Appellant or Appellee.* 13 G. ca. 6.

FORASMUCH *as in and by an Act made and pass'd in the thirteenth Year of His late Majesty King* George *the first, Intituled* An Act to enable Executors and Administrators to prosecute or defend any Suits that are depending or hereafter shall depend upon Appeal, wherein the Testator or Intestate was or shall be Appellant or Appellee ; *no Provision is made but only for the Relief of Executors or Administrators in such Suits as are depending upon Appeal ; which hath been found insufficient, for that oftentimes upon the Continuance of Actions as well in the Inferiour Court of Common Pleas as in the Superiour Court of Judicature, the Plaintiff, Complainant or Informer, or the Defendant, is taken away by Death, pending such Action or Suit, before a final Judgment can be obtained, by Reason whereof sundry Inconveniencies have happened :* Preamble.

Be it therefore enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when any Action or Suit is or shall be depending either in the Inferiour Court of Common Pleas, or in the Superiour Court of Judicature in any of the Counties in this Province, and it so happens that either Party be taken away by Death before a final Judgment, the Executor or Executors, Administrator or Administrators of such deceased Party who was Plaintiff, Complainant, Informer or Defendant, shall have full Power to prosecute or defend any such Suit or Action as shall be depending at the Death of the Testator or Intestate, from Court to Court, until definitive Judgment or Sentence ; and the Defendants or Appellees are hereby obliged to answer to such Actions accordingly : And the Justices as well of the Inferiour Court of Common Pleas as of the Superiour Court of Judicature before whom such Cases are triable and depending, are hereby impowered and directed to observe the same Method of Proceeding in hearing, Executors and Administrators impowered to prosecute or defend in Actions depending, *&c.*

trying and determining such Cases, and of entring up Judgment, and awarding Execution thereupon, as in and by the aforementioned Act is directed in Cases depending upon Appeal.

Attachments not to be voided by the Death of the Person.

And be it further enacted by the Authority aforesaid, That when any Goods or Estate shall be attached or Bail given upon any Writ or Process that shall be depending as aforesaid, the same shall not be released or discharged by Means of the Death of either Party, but be held good to Respond the Judgment to be given on such Writ or Process in the same Manner as by Law they would have been if such deceased Party had been living: Any Law, Usage or Custom to the contrary notwithstanding.

## CHAP. X.

4 G. ca. 3.

## An Act in Addition to an Act, Intituled *An Act in further addition to an Act, Intituled An Act for Regulating Fences, Cattle, &c.*

Preamble.

WHEREAS *in and by the additional Act for Regulating Fences Cattle, &c. made and pass'd in the fourth Year of the Reign of his late Majesty King* George *the first; Provision is made for the proportioning of each Proprietors Part of Fence in General Fields; but no Provision is made for defreying the Charge of dividing and setting off the same, nor for making or maintaining such Parts of such Fence, as may be unfit and injurious to be set off to any particular Proprietor or Proprietors:*

Charge of setting off and making Fence in common Fields to be proportioned to the Proprietors.

Be it therefore enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That for the future the Charge arising by dividing and setting off the several Parts of Fence in the common Fields to and among the Proprietors of Lands inclosed and fenced in one general Field, and the Charge of making and maintaining of such Fence as cannot justly be set off to any particular Proprietor or Proprietors, as his or their Part, shall be born by the several Proprietors thereof in Proportion to their respective Interests in said Field.

Proprietors to choose Haywards to be under Oath.

And be it further enacted by the Authority aforesaid, That it shall be in the Power of the said Proprietors, or a major Part of them, (the Vote to be collected according to the interested present) at a Meeting of such Proprietors legally warned for that Purpose, to choose Haywards or Field-Drivers, who are to be under Oath, and to have the same Powers as if they were chosen by a Town, and also to choose Assessors to assess the several Proprietors for the Ends aforesaid, in proportion to each one's Interest: And in Case of Refusal of any Proprietor to pay the Sum assessed upon him, that then, upon Application made, a Warrant of Distress shall be granted by any Justice of the Peace in the County where such Land lies, directed to the Constable of the Town where such Proprietor lives, requiring him to levy and collect of the said Proprietor or Proprietors, his or their Proportion of the Sum assess'd upon his Goods or Chattels, and for want thereof on his Person.

Assessors to be chosen

Warrant of Distress to be issued.

Persons aggrieved to be relieved at the General Sessions of the Peace.

*Provided nevertheless*, If any Proprietor or Proprietors so assess'd shall think himself aggrieved, he shall apply to the Assessors, and if they shall refuse to relieve him, he shall or may have Liberty to make Application to the Justices of the next Court of General Sessions of the Peace for the County where the Land lies; and the Difference shall be heard and determined by the said Court, whose Judgment or Sentence thereon shall be final: Any Law, Usage or Custom to the contrary notwithstanding.

Proviso.

*Provided always*, That nothing contained in this Act shall prevent or hinder the Proprietors of any such common Fields already fenced from making and maintaining their Fences according to the Rules and Orders formerly agreed on by them at a Meeting legally warned.

CHAP.

## CHAP. XI.

## An Act for eſtabliſhing a Superiour Court of Judicature, Court of Aſſize, and General Goal Delivery at *Barnſtable*, for the County of *Barnſtable* and *Dukes-County*.

Preamble.

*WHEREAS the Inhabitants of the ſeveral Towns within the ſaid Counties of* Barnſtable *and* Dukes-County, *have complained of the great Charge which the Jurors, Witneſſes, and Parties concerned are at yearly, in travelling to and attending at His Majeſty's Superiour Court of Judicature, Court of Aſſize and General Goal Delivery appointed by Law to be holden annually for the Counties of* Plymouth, Barnſtable *and* Dukes-County *at the Town of* Plymouth, *on the laſt Tueſday of* April; *which Town is near One Hundred Miles diſtant from ſome of the Towns in the ſaid Counties of* Barnſtable *and* Dukes-County; *and the Repreſentatives of ſeveral of the Towns within the ſaid two Counties, having petitioned this Court, that there may be a Superiour Court of Judicature, Court of Aſſize and General Goal Delivery held at* Barnſtable *yearly, for the ſaid Counties of* Barnſtable *and* Dukes-County *only*:

Superiour Court of Judicature, Court of Aſſize, &c. to be kept at *Barnſtable*.

Time of the Court's ſitting.

**Be it therefore enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame,** That there ſhall be, and hereby is eſtabliſhed a Superiour Court of Judicature, Court of Aſſize and General Goal Delivery to be held and kept annually at *Barnſtable* aforeſaid, for the Counties of *Barnſtable* and *Dukes-County* on the *Tueſday* in the Week immediately preceeding the laſt *Tueſday* of *April* yearly, the Time by Law appointed for holding the Superiour Court at *Plymouth* aforeſaid.

And the Juſtices of the ſaid Superiour Court of Judicature, Court of Aſſize and General Goal Delivery, ſhall have, hold, uſe, enjoy, and exerciſe at *Barnſtable* aforeſaid, all and ſingular the Powers which are by Law already given and granted unto them within any other Counties of the Province, where a Superiour Court of Judicature, and Court of Aſſize, *&c.* is already eſtabliſhed.

All Proceſs relating to the Counties of *Barnſtable* and *Dukes County* to be tried at ſaid Courts.

And that all Appeals from the Judgment or Sentence of any of the Courts of General Seſſions of the Peace, or Inferiour Courts of Common Pleas within the ſaid Counties of *Barnſtable* and *Dukes-County*; Reviews, Recognizances, Warrants, and all other Proceſs already iſſued or to be iſſued, brought or to be brought, taken or filed, which were to be heard and tried at the next Superiour Court of Judicature, Court of Aſſize and General Goal Delivery, to be holden at *Plymouth*, for the ſaid Counties of *Barnſtable* and *Dukes-County*, on the laſt Tueſday of *April* next, ſhall not fail, or be diſcontinued, but be obligatory, continued over, tried, held good and valid to all Intents and Purpoſes in the Law, to and at the ſaid Superiour Court of Judicature, Court of Aſſize and General Goal Delivery reſpectively to be held at *Barnſtable*, for the ſaid Counties of *Barnſtable* and *Dukes-County* as aforementioned.

Clerk of the Court to iſſue Warrants for chuſing Jurors.

And in convenient Time before the ſaid Court's Sitting, the Clerk of the ſaid Court ſhall iſſue out Warrants, directed to the Conſtables of the ſeveral Towns within the ſaid Counties of *Barnſtable* and *Dukes-County*, requiring ſuch Conſtables to aſſemble the Freeholders and other Inhabitants of their reſpective Towns, qualified as in His Majeſty's Royal CHARTER is directed, to elect and chuſe ſo many good and lawful Men within each Town or Diſtrict thereof, as the Warrant ſhall direct, to ſerve as Jurors at the ſaid Court, who ſhall attend the firſt Day of the ſaid Court's Sitting: And the Conſtables ſhall ſummon the Perſons ſo choſen to attend accordingly, at the Time and Place therein appointed, and make timely Return of their Warrants, according to the Directions thereof, under the ſame Penalties of the Law provided in ſuch Caſes.

Superiour Court at *Plymouth* to be for that County only.

And be it further enacted by the Authority aforeſaid, That for the future, the Superiour Court of Judicature, Court of Aſſize and General Goal Delivery ſhall be held at *Plimouth* for the County of *Plimouth* only, on the laſt Tueſday of *April* annually; and that the Clerk of the ſaid Court, do not in making out Writs of *Venire Facias* for the Choice of Petit Jurors for the ſaid County of *Plimouth*, oblige them to give their Attendance until the ſecond Day of the ſaid Court's Sitting.

Inferiour Courts, *&c.* at *Barnſtable*.

And be it further enacted, That for the future the Times for holding the Court of General Seſſions of the Peace and Inferiour Court of Common Pleas within the County of *Barnſtable*, ſhall be on the third Tueſday in *March*.

And all Actions, Pleas and Suits both Civil and Criminal ſhall be heard and tried at the aboveſaid Courts, as fully and abſolutely, as if the Times for holding the ſame had not been altered.

And all Officers and others concerned at the ſaid Courts, are to conform themſelves accordingly: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and held at *Boſton*, upon Wedneſday the twenty-ninth Day of *May*, 1728.

## CHAP. I.

## An Act in Addition to, and for rendring more effectual an Act Intituled, *An Act to prevent Cauſeleſs Arreſts*, &c.

Preamble.

WHEREAS *in and by an Act made and paſs'd in the thirteenth Year of the Reign of the late Queen* Anne, *Intituled*, An Act to prevent cauſeleſs Arreſts, *&c.* It is enacted, "That every Perſon, Prin-
" cipal or Attorney, Executor or Adminiſtrator taking out a Writ or Attach-
" ment againſt another, before he receive it out of the Clerk's Office, ſhall en-
13 *A.* ca. 1. " dorſe his Sirname on the Back thereof towards the Bottom; and ſhall ſtand
" chargeable and be liable to anſwer and pay to the adverſe Party his Coſts ariſing
" by the Arreſt, and Charge of Impriſonment (if any be) to be taxed in com-
" mon Form by the Judges of the Court where the Writ is returnable, in Caſe
" of Non-Proſecution, Diſcontinuance, or that the Plaintiff be Non-ſuit, or
" Judgment paſs againſt him; to be levied on the Principal, the Executor, Ad-
" miniſtrator or Attorney that endorſed or took out ſuch Writ; if the Principal
" be without the Province, or be unable to pay the ſame.

*And whereas it hath ſo happened when any Company or Number of Perſons are joined together in one Suit, there is but one only, or not a Majority of the Plaintiffs that hath endorſed the Writ; and thereupon ſuch Writ hath abated, becauſe all the Plaintiffs therein named have not endorſed the ſame, nor their Attorney in their Names and Behalf, which by Experience hath been found to be very prejudicial, eſpecially with Reſpect to the Commiſſioners and Truſtees of the publick Loan Money, who ſeldom live together in the ſame Town, but oftentimes very remote; ſo that it is exceeding difficult to get a Writ endorſed by all the Plaintiffs, eſpecially when it ſo happens they are ſtraitned in Time; by Means whereof there hath been a Failure of Juſtice, as well as Loſs and Damage not only to the Publick, but to particular Perſons, occaſioned by the Abatement of their Writs, when the Deſign of the Law was only to ſecure the Coſts in Caſe of Non-Proſecution, Diſcontinuance, &c. as aforeſaid:*

For

For Redress whereof:

One Person endorsing a Writ, &c. sufficient, in Case.

Be it enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That from and after the Publication of this Act, when any Writ or Attachment shall be taken out at the Suit of more than one Person, the Endorsement of one of the Plaintiffs (or his Attorney) shall be sufficient in the Law, as well to oblige the Defendant to Answer, as the Endorser to pay the Cost and Charges arising on such Suit, in Case Judgment be for the Defendant or Defendants: Any Law, Usage or Custom to the contrary notwithstanding.

## CHAP. II.

## An Act for preventing of Injuries and unnecessary Delays, to the Parties who shall hereafter be concerned in Suits at Law; and for the better and more speedy Execution of Justice.

Preamble.

*WHEREAS heretofore Objections have been made by Parties against whom Judgment has been given in the Superiour and Inferiour Courts respectively, to several of the Articles charged in their Bills of Cost, for the Attendance and Travel of Witnesses and otherwise; which Bills have been frequently allowed long after the Court's rising; and when the adverse Parties have not been present to make their just and reasonable Objections to such Articles:*

For Prevention whereof for the future:

Bills of Costs to be tax'd immediately after Judgment given.

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when and so often as any Persons shall obtain Judgment in their Favour at the Inferiour Courts of Common Pleas or Superiour Courts of Judicature, they or their Attorneys respectively shall immediately after the recovery of such Judgment draw up their Bills of Cost, and when they are examined by the Clerks of the said Courts respectively, present them to be taxed by one or more of the Justices of the said Courts, and the adverse Parties, or their Attorneys, attending the Courts, to be notified when the Bill is to be taxed, that so they may make their Objections (if any they have) to any of the Articles charged in such Bills, before the same be allowed. And no Bill of Cost shall be allowed after the Court is adjourned without Day, unless sufficient Reason be given for such Delay to the Satisfaction of one or more of the Justices of the Court who shall be desired to tax such Bill of Cost.

Adverse Party to be notified of it.

Exception.

Preamble.

*And whereas it often happens that a great Number of the Judgments entred up at the Inferiour Courts within this Province, are appealed from by the Defendants who fail to prosecute their Appeals to Effect at the Superiour Court appealed to; and thereupon the Plaintiffs or their Attornies enter their Complaints against the Appellants or Defendants at the said Superiour Courts, but commonly neglect to draw up and file their Complaints, in order to have the Judgments of the Inferiour Court appealed from affirmed, until the last Day of the Sitting of the said Superiour Courts; by which Method the Complainants (or their Attornies) have the Profit of many Days Attendance, for which they are allowed in their Bills of Cost, and thereby throwing an unreasonable Charge upon the Defendants:*

Court to allow of the Attendance charged in the Bill.

Be it therefore enacted by the Authority aforesaid, That in taxing Bills of Cost after Judgment given upon a Complaint at the Superiour Court, the Complainant shall be allowed but so many Days Attendance as the said Court shall judge reasonable.

And

No Person to receive Charges of the Suits, till the Bill is taxed.

And to the intent, that no Injustice may be done by an Overcharge to the Party against whom Judgment shall be given, no Person obtaining Judgment shall receive any Thing for Charges of his Suit 'till such Time as the Bill of Cost be first taxed by one of the Justices of the Court who was present, when the Judgment was given: Any Law, Usage or Custom to the contrary notwithstanding.

## CHAP. III.

## An Act in Addition to an Act Intituled, *An Act for providing of Pounds, and to prevent Rescous, and Pound Breach.*

Preamble.

10 Anna. 4.

*WHEREAS in and by an Act made and pass'd in the tenth Year of the Reign of King* William *the third, Intituled*, An Act for providing of Pounds, and to prevent Rescous and Pound Breach; *It is among other Things enacted*, "That there shall be a sufficient Pound or "Pounds made and maintained from Time to Time, in every Town and Pre- "cinct within this Province, in such Part or Places thereof as the Select-Men "shall direct and appoint, *&c. But no Penalty is therein set upon any Town or Precinct who shall neglect or refuse to make and maintain such Pounds:*

For Redress whereof:

Penalty for not having Pounds.

**Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That every Town and Precinct within this Province that shall neglect or refuse by the space of three Months from and after the Publication of this Act, to make and maintain a sufficient Pound or Pounds in such Town or Precinct, according to the Direction in the afore-recited Act, shall forfeit and pay the Sum of *ten Pounds*; one Half thereof to such Person or Persons as shall inform and sue for the same, and the other Half to the Poor of the Town so neglecting or refusing; to be recovered by Bill, Plaint or Information in any of His Majesty's Courts of Record in the County where the Offence shall be committed.

## CHAP. IV.

## An Act in Addition to and for rendring more effectual an Act Intituled *An Act for the Upholding and Regulating of Mills*, made and passed at a Session of the Great and General Court or Assembly, begun and held at *Boston*, upon Wednesday the twenty-fifth Day of *May*, in the eighth Year of the Reign of the late Queen *Anne*, Annoque Domini, 1709.

8 *A* ca. 1. 12 *A.* ca. 8

Preamble.

*WHEREAS great Complaint is made by the Inhabitants of the Towns of* Boston *and* Charlestown, *that they are misused by the Millers in not grinding their Corn seasonably, and oft-times detaining it for a long Time unground, to their great Damage; and also that they are very much defrauded by the Millers in taking an unreasonable Toll:*

Millers to be provided with Scales and Weights.

Penalty.

**Be it therefore enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That every Miller within the Towns of *Boston* and *Charlestown*, who shall not be provided with suitable Scales and Weights, sealed as the Law directs, for weighing Corn and Meal in his Mill, within the space of two Months after the Publication hereof, shall forfeit and pay the Sum of *ten Pounds*; the

one

one Half to His Majesty for and towards the Support of this Government, and the other Half to him or them that shall inform and sue for the same in any Court of Record in the Counties of *Suffolk* or *Middlesex*.

And be it further enacted, That every Miller in the Towns of *Boston* and *Charlestown*, who shall not be provided with suitable Scales and Weights, sealed as the Law directs for the End aforesaid, and shall continue in the Neglect thereof after the Expiration of the said two Months, shall forfeit and pay the Sum of *five Pounds* for every Month he shall continue in such Neglect, to be recovered and disposed of as is herein before mentioned. And if any Miller in the said Towns of *Boston* or *Charlestown* after the Expiration of the said two Months, do or shall presume to take a greater Quantity of Toll than a sixteenth Part for any Sort of Grain by him ground, and be thereof convicted, he shall forfeit and pay for each Offence the Sum of *five Pounds*, to be recovered and disposed of in Manner as aforesaid. And if any Miller in the said Towns of *Boston* or *Charlestown*, shall refuse to weigh Corn, Grain or Meal brought to or carried from his Mill, when desired, he shall, for every such Refusal, forfeit and pay the Sum of *five Shillings*, to be recovered before any Justice of the Peace within the County of *Suffolk* or *Middlesex*, by him or them that shall inform and sue for the same.

Penalty for continuing unprovided.

Penalty for taking too much Toll.

And for refusing to weigh Corn and Meal.

And be it further enacted, That when any of the Inhabitants of the Towns of *Boston* or *Charlestown*, shall send any Grain to be ground at the Mills there for the Use of their Families, the Miller or Millers shall receive into the Mills all such Grain, and within the Space of three Days at least, take Care that the same be ground, on pain of forfeiting the Sum of *ten Shillings*, for every such Neglect, and the Sum of *five Shillings* more for every Day such Grain shall be unground (except in extraordinary Cases the Mill is prevented working) to be recovered before any of His Majesty's Justices of the Peace in the Counties of *Suffolk* or *Middlesex*.

Penalty for keeping Grain unground.

---

# An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston*, upon Wednesday the twenty-ninth Day of *May*, 1728. And continued by Prorogation unto Wednesday the twenty-fourth Day of *July* following, and then met.

---

## CHAP. V.

## An Act for Repealing an Act, Intituled, *An Act for the punishing and preventing of Duelling*, and for making other Provision instead thereof.

*WHEREAS to the great Dishonour of Almighty GOD, in Defiance of the Laws of Nature and Nations, contrary to the Peace of Our Sovereign Lord the* KING, *and the precious Life of Man, there have been of late within this Province several Duels, Rencounters and Quarrels*:

Preamble.

For preventing and suppressing such Mischiefs for the future:

Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That whoever from and after the Publication of this Act shall be so hardy and wicked as to fight a Duel, or for private Malice, Displeasure, Fury or Revenge, voluntarily engage in a Rencounter, with Rapier or small Sword, back Sword, Pistol or any other dangerous Weapon, to the hazzard of Life, Maihem, or wounding of the Parties, or the Affray of his Majesty's good Subjects, although Death doth not thereby ensue; or, shall by Word, Message, or any other

Punishment for Duels and Rencounters.

other Way, challenge an other to fight a Duel, or ſhall accept a Challenge, although no Duel be fought, or ſhall any Ways abett, prompt, encourage or ſeduce any Perſon to fight a Duel, or to challenge an other to fight; and be by due Courſe of Law before the Court of Aſſize and General Goal Delivery in any of the reſpective Counties within this Province convicted thereof, ſhall for every ſuch Offence be carried publickly in a Cart to the Gallows, with a Rope about his Neck, and ſit on the Gallows for the ſpace of one Hour with a Rope about his Neck, as aforeſaid, and then committed to the common Goal of the County, and there remain without Bail or Mainprize, for the ſpace of twelve Months, and at the Expitation thereof ſhall find Sureties for the Peace and good Behaviour, for and during the ſpace of twelve Months more.

Diſpoſition of the Body of any Perſon that is kill'd in a Duel.

**And be it further enacted by the Authority aforeſaid,** That when and ſo often, as it ſhall appear by the Coroner's Inqueſt, that any Perſon hath been killed in fighting a Duel, the Corps or Body of ſuch Perſon ſo ſlain ſhall not have a Chriſtian Burial: But the Coroner of the County where the Fact ſhall be committed, ſhall be, and hereby is directed and impowred to take effectual Care that the Corps of all Perſons ſo killed be immediately ſecured, and buried without a Coffin, with a Stake drove through the Body, at or near the uſual Place of Execution; provided it be within the ſpace of ten Miles, if otherwiſe, then in the moſt publick Place in the Town where the Fact was committed; the Charge thereof to be defreyed out the Eſtate of the Deceaſed, (if any to be found) by Warrant of Diſtreſs to be awarded by His Majeſty's Juſtices of the Superiour Court of Judicature Court of Aſſize and General Goal Delivery, upon the Coroner's preſenting a Bill of Charge therefor: And if no Eſtate to be found, then the Charge to be paid by the County: And in Caſe any Perſon ſhall ſlay or kill any other in Duel or Fight, as aforeſaid, and upon Conviction thereof ſuffer the Pains of Death, as is by Law provided for wilful Murder, the Body of ſuch Perſon, ſhall not be allowed Chriſtian Burial, but be buried without a Coffin, with a Stake driven through the Body, at or near the Place of Execution, as aforeſaid.

Diſpoſition of the Body of any Perſon that kills another in a Duel.

---

## An Act,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and Held at *Salem*, upon Wedneſday the twenty-eighth of *May*, 1729. And continued by ſeveral Prorogations and Adjournments to *Boſton* the nineteenth Day of *November* following.

---

### CHAP. I.

### An Act for the ſpeedy and effectual ſecuring and repairing the Harbour of *Marblehead* in the County of *Eſſex*.

Preamble.

*WHEREAS the Preſervation and ſecuring the Harbour of* Marblehead *in the County of* Eſſex, *is of great Importance as well to that Town as to the Trade of this Province: And whereas by the Incroachments of the Sea, great Breaches have happened in the Beach on the South-weſterly Side of the ſaid Harbour, and by the continual waſhing away of great Quantities of ſaid Beach, it is now reduced ſo low that almoſt every common Tide gains a Paſſage over it, inſomuch that if the ſame is not thoroughly ſecured and well repaired, the Harbour of ſaid Town is in Danger of being deſtroyed:*

For Remedy whereof:

Truſtees to be choſen for repairing *Marblehead* Harbour.

**Be it enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame,** That the ſaid Town of *Marblehead* at their next Town Meeting legally called

ſhall

shall be and hereby is impowred to chuse five skilful and able Persons as Trustees for ordering, directing securing and repairing the said Harbour, and for the future defending and preserving the said Beach from the Incroachments and Washings of the Sea, as aforesaid:

*And for the effectual enabling them so to do:*

£ 500 to be advanced out of the public Treasury.

Be it further enacted by the Authority aforesaid, That they shall be and hereby are impowred to receive the Sum of *Five Hundred Pounds* out of the Province Treasury: And the Treasurer is hereby ordered and directed to pay the same accordingly by Warrant from the Governour or Commander in Chief, for the Time being, with the Advice and Consent of the Council: which Sum hereby made payable is to be employed in securing and repairing the said Harbour, and for the effectual Preservation of the said Beach and mending the Breaches thereof, as aforesaid, by the said Trustees, or the major Part of them, in such Manner as they shall think most convenient: And that there shall be provided and kept by the said Trustees one or more Book or Books, in which all Monies received by them by Vertue of this Act, and all Payments and Disbursements out of the same, by Order or Direction of the said Trustees, or the major Part of them, under their Hands in writing, shall from Time to Time be fairly set down and entred, expressing the Time when, and the Name of the Person or Persons from, or to, or by whom the same were so received, paid, or disbursed, and for what Use or Purpose such Payment or Disbursement was made: And the said Accompts, together with Copies of all Contracts made by the said Trustees, shall in due and convenient Time after the said Work is compleated and finished as aforesaid, be delivered to this Court, that it may be seen that the Money hereby granted is laid out in the best Manner to secure and repair the said Harbour of *Marblehead*, and the other Purposes intended by this Act: And two Thirds of all which Payments and Disbursements duly vouched, (the whole of said Payments and Disbursements not exceeding *Two Thousand Pounds*) to be paid out of the Province Treasury, upon the passing and adjusting said Accompts: The said Sum of *Five Hundred Pounds* in Hand paid, as aforesaid to be held, deemed and taken as Part or Parcel of the said two Thirds.

Books and Accounts to be kept by the Trustees.

Two Thirds of the whole Charge to be paid by the Province, provided.

*And whereas some evil-minded Persons carry off Sand, Stones, Gravel, Sea-weed, Rock-weed and Sedge brought up by the Sea off and from the said Beach, to the Damage and Weakening thereof:*

Trespassers on the Beach to be prosecuted.

Be it therefore enacted by the Authority aforesaid, That no Person or Persons whatsoever shall presume to Cart or carry from any Part of the said Beach any Quantity of Sand, Stones, Gravel, Sedge, Sea or Rock-weed, on the Penalty of *forty Shillings* for every Horse or Cart-Load, or Part of a Cart-Load, to be recovered by the said Trustees, or any one of them, or any other Person or Persons, before any one of His Majesty's Justices of the Peace in the said County, or before any of His Majesty's Court of Record within the same: The Fines to be laid out the one Half in the said Repairs, the other to the Person or Persons that shall inform or sue for the same: And the Offender or Offenders shall be convicted in the same Manner and according to the Rule and Way prescribed in and by an Act made in the twelfth Year of His late Majesty King *George*, Chap. V. Intituled, *An Act in Addition to and for rendring more effectual an Act made in the tenth Year of the Reign of King* William *the third*, Intituled, *An Act for preventing of Trespasses*.

12 *G.* ca. 5. 10 *W.* ca. 5.

Town of *Marblehead* to keep the Harbour in Repair at their own Charge.

And be it further enacted by the Authority aforesaid, That from and after the laying out and expending the said Sum 10 and for the Uses, Intents and Purposes as aforesaid, the said Town of *Marblehead* at the proper Cost and Charges of the said Town, shall for ever secure, support and keep in good Repair the said Harbour of *Marblehead*, and the Beach on the South-westerly Side thereof, according to the true Purpose, Intent and Meaning of this Act.

# Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Cambridge* upon Wednesday the twenty-seventh Day of *May*, 1730. And continued by several Prorogations unto Wednesday the ninth Day of *September* following, and continued by Adjournment to *Roxbury* and thence to *Boston*.

## CHAP. I.

## An Act directing how Rates and Taxes to be granted by the General Assembly, as also County, Town and Precinct Rates shall be assessed and collected.

Preamble.

6 *A.* ca 1. 11 G. 2. ca. 1

*FORASMUCH as for the Support of the Government of this His Majesty's Province, and for the Safety and Defence thereof, and defreying the contingent Charges arising within the same, it is necessary that a suitable Supply of Money should be from Time to Time granted by the Great and General Court or Assembly of the said Province. To the Intent therefore that there may be due Provision made and established for assessing all such Sum and Sums of Money as shall hereafter be granted by the General Court to be levied upon Polls or Estates within the Province, or upon both Polls and Estates for the Support of the Government thereof, or any other publick Use or Uses, whereto the General Assembly shall think fit to apply such Grant or Grants; as also that there may be like due Provision to inforce the collecting and paying into the Treasury such Sum and Sums of Money, so to be granted as aforesaid, according to the true Intent of the Act or Acts for granting the same:*

Assessors to be annually chosen in the Month of *March*.

**Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That in the Month of *March* annually at the same Time when Town Officers are chosen by the respective Towns within this Province according to the Direction of an Act Intituled, *An Act for regulating of Townships, Choice of Town Officers, and setting forth their Power:* there may be elected and chosen by the Freeholders and other Inhabitants of every Town duly qualified to vote in Town Affairs, then present, or the major Part of them, three, five, seven or nine meet Persons, to be Assessors of all such Rates and Taxes as the Great and General Court or Assembly shall by any Act or Acts, to be by the same duly made and passed, order and appoint such Town to pay towards the publick Charges of the Province, within the space of one Year from the Choice of such Assessors; every of which so chosen shall within the space of seven Days next after, be sworn before

To be Sworn.

a Justice of the Peace, or Town Clerk in any Town, where no Justice of the Peace dwells (who are hereby respectively impowred thereto) in Manner following, *That is to say:*

Form of Assessors Oath.

*YOU* A. B. *being chosen an Assessor of such Rates or Taxes, as the Great and General Court or Assembly of this Province have or shall order and appoint the Town of* C. *to pay into the Treasury of the Province during the Space of one Year next ensuing*, Do swear, *That in assessing or apportioning such Rates or Taxes, you will proceed equally and indifferently according to your best Skill and Judgment, and the Rules to be prescribed in the Act or Acts for granting the same.* So help you GOD.

And the Town Clerk or two of the Select-Men of every Town shall forthwith make and give out unto the Constable or Constables of the same, a List of the Names of those that shall be chosen Assessors at any Town Meeting as aforesaid. Which Constable or Constables shall thereupon summon each of the said Assessors to appear at a certain Time and Place within the space of seven Days from the Time of their Election, before a Justice of the Peace, if any dwell

dwell in such Town; or otherwise before the Town Clerk thereof, to take the Oath above-mention'd. And if any such Assessor shall neglect to appear accordingly; or appearing shall refuse to take the said Oath; he shall forfeit and pay to the Use of the Poor of such Town the Sum of *forty Shillings*; and if in *Boston*, *five Pounds*; to be recovered in Manner and Form, as is by Law provided for recovering of Fines and Forfeitures, for the Use of the Poor. Penalty on Assessors chosen that shall refuse.

And the Select Men of every such Town where any one or more of the Assessors so chosen shall refuse as aforesaid, shall forthwith after Notice thereof, summon a Meeting of the Freeholders and Inhabitants of such Town, to choose one or more Assessor or Assessors in the Room or Rooms of such so refusing. Which Freeholders and Inhabitants duly qualified to vote, being so assembled, shall accordingly choose so many Assessors as shall be wanting to compleat the Number, which the Town at the Time of their first Choice voted and agreed should be elected for the same. A new Choice to be made.

*Provided always*, That it shall be in the Power of the Court of General Sessions of the Peace, upon reasonable Excuse made unto them by any Assessor or Assessors chosen for any Town or Towns in the County for which such Court is holden and kept, that shall refuse to accept as aforesaid, to abate and remit unto such Assessor or Assessors (if they see Cause) the Forfeiture or Penalty aforesaid. Court of General Sessions of the Peace impowred to abate or remit the Penalty.

**And be it further enacted by the Authority aforesaid**, That if any Town shall not choose Assessors as aforesaid, or if so many of them so chosen as aforesaid shall refuse to accept, as that there shall not be such a Number of them as any Town shall agree to be the Assessors thereof; then and in either of the said Cases, the Select-Men of such Town shall be, and hereby are declared and appointed the Assessors of the same; and every of them shall take the Oath before recited in Manner as aforesaid. And each Assessor attending that Service, shall be allowed and paid out of the Town Treasury *four Shillings* per Diem, for each whole Day, he is necessarily employed thereabout. Select-Men or Trustees of Towns to be Assessors in Case. Assessors Allowance.

**Be it further enacted by the Authority aforesaid**, That if at any Time there shall be a Default or Neglect in any Town or Precinct, to make Choice of Select-Men or Assessors, the said Default or Neglect being certified and made appear unto the Court of General Sessions of the Peace within the same County; such Town or Precinct shall forfeit and pay the Sum of *twenty Pounds*, for and towards the Support of the Government of this Province; and in such Case, as also where neither the Select-Men nor Assessors chosen by any Town, shall accept thereof, the Justices of the Court of General Sessions of the Peace in the same County, shall and are hereby impowred to nominate and appoint three or more sufficient Freeholders within such County, to be Assessors of the publick Rates or Taxes in any such Town as aforesaid: Which Assessors so to be appointed by the said Court, shall take the Oath before recited; and shall then assess the Estate and Persons of such Town or Precinct, of which they shall be appointed Assessors, their due Proportion to any publick Tax, according to the Rules set down in the Act for raising of the same; together with the aforesaid Forfeiture of *twenty Pounds*, where the Town makes Default; and such additional Sum as shall answer their own reasonable Charges for Time and Expence in the said Service, not exceeding *five Shillings* a Man per Diem; and having assessed the same, shall transmit a Certificate thereof to the Treasurer, with the Names of the Constables or Collectors to whom they shall commit the same to be collected. Penalty on Towns that shall neglect to choose Select-Men or Assessors. Court of General Sessions of the Peace to appoint Assessors, in Case. Allowance to such.

And such Assessors shall be paid their Charges as above said (the same being adjusted and certified by two or more Justices of the Court by whom they were appointed Assessors, under their Hands) out of the publick Treasury, by Warrant from the Governour, with the Advice and Consent of the Council. To be paid out of the publick Treasury.

**And be it further enacted by the Authority aforesaid**, That all Assessors aforesaid, shall duly attend and observe all such Warrants as during the Time of their Office, they shall receive from the Treasurer and Receiver General of this Province, pursuant to an Act or Acts to be made and passed by the Great and General Court or Assembly of the same; for the assessing and apportioning any

Province Rate or Tax upon the Inhabitants or Eſtate within the Town, whereof they are Aſſeſſors; on pain that the Aſſeſſors of any Town or Precinct failing of their Duty by ſuch Warrant of the Treaſurer of them required, ſhall forfeit and pay the full Sum and Sums in ſuch Warrant mentioned, to be by them aſſeſſed upon the Inhabitants or Eſtate of the Town or Precinct whereof they are Aſſeſſors, if the ſaid Sum and Sums be therein made certain; which ſhall be levied by Diſtreſs and Sale of the Eſtates Real or Perſonal of ſuch defective Aſſeſſors by Warrant from the Treaſurer directed to the Sheriff of the County (or his Under-Sheriff or Deputy) in which ſuch Town or Precinct lies; and the Treaſurer is hereby authorized and required in ſuch Caſes *ex officio*, to iſſue out his Warrant, requiring the Sheriff or Deputy to levy the ſaid Sum and Sums accordingly: And for want of Eſtate to take the Bodies of ſuch defective Aſſeſſors and to impriſon them, until they pay the ſame; which Warrant the Sheriff, his Under-Sheriff or Deputy are hereby impowred and required to execute accordingly. And the Court of General Seſſions of the Peace in each reſpective County wherein ſuch defective Aſſeſſors dwell, be and hereby are directed and impowred forthwith to appoint other meet Perſons to be Aſſeſſors of ſuch Rate or Tax, according to the Directions contained in the Treaſurer's Warrant iſſued unto the former Aſſeſſors: and the Aſſeſſors which ſhall then be ſo appointed ſhall take the Oath and be liable to the ſame Duty and Penalties as the former Aſſeſſors.

Penalty on Aſſeſſors that ſhall neglect their Duty.

General Seſſions of the Peace to appoint other meet Perſons in the room of defective Aſſeſſors.

**And be it further enacted by the Authority aforeſaid,** That if any Perſon or Perſons ſhall at any Time be aggrieved at the Sum or Sums to be ſet and apportioned upon him or them by the Aſſeſſors of any Town or Diſtrict or Precinct, and ſhall demonſtrate that he or they are rated more than his or their Proportion with others, according to the Rule given to the ſaid Aſſeſſors to the Sum ſet upon ſuch Town, Diſtrict or Precinct, by any Act or Acts of the General Aſſembly; the ſaid Aſſeſſors ſhall eaſe him or them ſo aggrieved: And if they ſhall refuſe ſo to do, ſuch Perſon or Perſons aggrieved complaining unto the next General Seſſions of the Peace within that County, and making it appear, that he or they are aſſeſſed more than his or their Proportion as aforeſaid, ſhall be heard and relieved by the Juſtices in the ſaid Seſſions, and ſhall be reimburſed out of the Town or Pariſh Treaſury, ſo much as the ſaid Juſtices or Aſſeſſors reſpectively ſhall ſee Cauſe to abate him or them, with the Charges; and the Court of General Seſſions of the Peace are impowred upon the Complaint of any Party grieved to require the Aſſeſſors to produce the Liſts of their Aſſeſſment.

Perſons overrated to be eaſed.

**And be it further enacted by the Authority aforeſaid,** That all County, Town, Precinct, Diſtrict and Pariſh Rates and Aſſeſſments ſhall be apportioned by the Select-Men or Aſſeſſors of the ſeveral Towns, Precincts, Diſtricts or Pariſhes within this Province, upon the Inhabitants and Eſtates within the ſame, according to the Rule that ſhall from Time to Time be preſcribed and ſet in and by the then laſt Act of the General Aſſembly which ſhall have been made and paſſed for the apportioning and aſſeſſing of the publick Taxes granted unto His Majeſty, when ſuch County, Town, Precinct, Diſtrict or Pariſh Rate or Aſſeſſment ſhall be made or apportioned; and ſuch Select-Men or Aſſeſſors ſhall be under the like Obligation of the Oath adminiſtred to the Select-Men or Aſſeſſors who apportioned the ſaid publick Tax to proportion ſuch County, Town, Precinct, Diſtrict and Pariſh Aſſeſſments by the ſame Rules.

Town and County Rates to be apportioned by the ſame Rule as publick Taxes granted the ſame Year.

**And be it further enacted by the Authority aforeſaid,** That the Freeholders and Inhabitants of any Town, Precinct, Diſtrict or Pariſh, duly qualified to vote in Town Affairs, may if they ſee Cauſe, at the Time they chuſe Aſſeſſors, likewiſe elect and chuſe a meet Perſon or Perſons to be Collector or Collectors of the publick Rates or Taxes that ſhall be aſſeſſed upon ſuch Town, Precinct, Diſtrict or Pariſh, and agree upon what Sum ſhall be allowed and paid out of the reſpective Treaſuries, unto ſuch Collector or Collectors for his or their Service therein: But if ſuch Collector or Collectors ſo to be choſen ſhall

Collectors of publick Taxes may be choſen at the ſame Time with the Aſſeſſors.

refuſe

refuſe to accept that Service, or that none ſuch be choſen, then the Conſtable or Conſtables of ſuch Town or Pariſh ſhall collect and gather ſuch publick Rates and Taxes, and every Collector or Conſtable ſhall have a Warrant from the Treaſurer and Receiver General, or Select-Men or Aſſeſſors impowring him to collect ſuch Rates or Taxes as ſhall be committed to him to collect, and ſhall pay in the ſame according to the Directions in ſuch Warrant: And in Caſe of any Conſtable or Collector's Deceaſe before his perfecting the Collection of any publick Aſſeſſment committed to him, the Aſſeſſors of ſuch Town, Precinct, Diſtrict or Pariſh ſhall impower and appoint at their publick Charge, ſome other fit Perſon or Perſons to perfect the ſame Collection, and preſent his or their Names unto the Treaſurer, Select-Men or Aſſeſſors, who are hereby authorized and required to enable and impower ſuch Perſon or Perſons to collect the ſame by granting a Warrant to him or them.

Proviſion in Caſe of Conſtables or Collectors deceaſe.

**And be it further enacted by the Authority aforeſaid,** That the Treaſurer and Receiver General ſhall ſend ſuch Warrants as he ſhall be from Time to Time ordered to iſſue for the aſſeſſing or collecting any publick Rate or Tax incloſed to the Sheriff of each reſpective County, who is required immediately to diſperſe and tranſmit the ſame unto the Aſſeſſors, Conſtables, or Collectors of the ſeveral Towns, Precincts, Diſtricts or Pariſhes within ſuch County, according to the Directions thereof; and for his Service. Charge and Expence, ſhall have a reaſonable Allowance ordered him by the Juſtices in the Court of General Seſſions of the Peace in the ſame County, to be paid out of the County Treaſury, upon his laying the Accompt thereof before them.

Sheriff to diſperſe the Treaſurer's Warrants.

To be paid out of the County Treaſury.

**And be it further enacted by the Authority aforeſaid,** That if any Perſon or Perſons ſhall refuſe to pay the Sum or Sums whereat they ſhall be aſſeſſed as their Proportion to any publick Rate or Tax in the Liſt committed to any Conſtable or Collector under the Hands of the Aſſeſſors of ſuch Town, Precinct, Diſtrict or Pariſh, or the major Part of them upon Demand thereof made by ſuch Conſtable or Collector, by Virtue of the Warrant to him given; it ſhall and may be lawful to and for ſuch Conſtable or Collector, and he is hereby authorized and required in ſuch Caſe to diſtrein the Perſon or Perſons ſo refuſing, by his or their Goods or Chattels; and the Diſtreſs or Diſtreſſes ſo taken to keep by the ſpace of four Days, at the Coſt and Charge of the Owner thereof. And if the Owner do not pay the Sum and Sums of Money ſo aſſeſſed on him within the ſpace of four Days, then the ſaid Diſtreſs or Diſtreſſes to be forthwith openly ſold at an Outcry by the ſaid Officer, for the Payment of the ſaid Money, (Notice of ſuch Sale being poſted up in ſome publick Place in the ſame Town, twenty four Hours before Hand:) and the Over-plus coming by ſaid Sale (if any be) over and above the Charges of taking and keeping the ſaid Diſtreſs or Diſtreſſes, to be immediately reſtored to the Owner. And if any Perſon or Perſons aſſeſſed as aforeſaid, ſhall refuſe or neglect to pay the Sum or Sums ſo aſſeſſed, by the ſpace of twelve Days after Demand thereof, where no ſufficient Diſtreſs can or may be found, whereby the ſame may be levied: In every ſuch Caſe two or more of the Aſſeſſors in ſuch Town, Precinct, Diſtrict or Pariſh, are hereby authorized by Warrant under their Hands and Seals, to commit ſuch Perſon or Perſons to the common Goal, there to be kept without Bail or Mainprize until Payment ſhall be made.

Conſtable or Collector impowred to diſtrein, in Caſe, &c.

Diſtreſs to be ſold by Outcry.

Perſons to be committed, not having whereof to diſtrein.

**And be it further enacted by the Authority aforeſaid,** That when any Perſon or Perſons ſhall remove from any Town or Place where he or they lived, or had his or their Reſidence at the Time of making the Liſts of any publick Tax or Aſſeſſments, not having before paid the reſpective Sum or Sums ſet upon him or them by ſuch Liſts; it ſhall and may be lawful to and for the Conſtable or Collector to whom any ſuch Tax or Aſſeſſment ſhall be committed with Warrant to collect, and he is hereby authorized and impowred to demand the Sum or Sums aſſeſſed upon ſuch Perſon or Perſons, in what Town or Place ſoever he or they may be found; and upon Refuſal or Neglect to pay the ſame, to diſtrein the ſaid Perſon or Perſons, by his or their Goods or Chattels as aforeſaid; and for want of ſuch Diſtreſs to commit the Party to the common Goal, there to remain until Payment be made.

Perſons removing from the Place where they were aſſeſſed, may be taken in any other.

And

Provision in Case of Persons being about to remove before the Time for Payment of the second Part of any Tax.

**And be it further enacted by the Authority aforesaid**, That when at any Time the General Assembly shall order any publick Rate or Tax by them granted, to be paid into the Treasury at two or more several Times or Days of Payment; and any Person or Persons being Inhabitants or Dwellers in any Town, or Precinct or Parish within this Province, at the Time of making such Rate or Tax, and being assessed thereunto, shall be about to remove him or themselves from thence before the Time that shall be prefixt for Payment of the same; it shall and may be lawful in such Case to and for the Constable or Collector of the same Town, Precinct, District or Parish, to demand and levy the whole Sum and Sums which such Person or Persons shall be assessed at in his List or Lists to such Constable or Collector committed, notwithstanding the Time for collecting the second Part of such Rate or Tax may not then be come: And in Default of Payment to distrein for the same, or to take any other Way or Course for the obtaining thereof, according to the Rules and Directions herein before provided. And when and so often as it happens that the Constables or Collectors be a new chosen and sworn for any Town, Precinct, District or Parish, before the former Constables or Collectors have perfected their Collection of any Tax or Assessment to them committed to gather; such former Constables and Collectors are notwithstanding hereby fully impowred and required to perfect all such Collections; and may exercise the same Powers and Authorities for the gathering and inforcing the Payment thereof, as by this Act they might have done before other Constables or Collectors were chosen and sworn.

Constables to whom any Tax shall be committed to perfect their Collection altho' other Constables be chosen.

Constables tho' succeeded in his Office may demand Assistance of the Constables for the Time being in making Distress, &c.

And in making any of the Distresses aforesaid, or committing any Person or Persons to Goal as aforesaid, in Case the same should be made after such Constable or Collector shall be succeeded in his Office, it shall be lawful for such Constable or Collector to demand the Aid and Assistance of any of the Constables of the Town for the Time being, where the delinquent Person or Persons lives: And such Constable is hereby injoined and required to be aiding and assisting accordingly.

Provision in Case of Lands being rated in any Town, in which the Owner or Tenant thereof does not dwell.

**And be it further enacted by the Authority aforesaid**, That where the Owner or Tenant of any Lands liable to publick Taxes, shall not reside, or be an Inhabitant of the Town, Precinct, District or Parish in which such Lands lie, and no Stock, Corn or Hay can be found upon the said Lands, whereof the Constable or Collector may make Distress to satisfy such Sum or Sums as from Time to Time such Lands shall be assessed at, either to the Province, County, Town, Parish or Ministerial Charges; in such Case, any Justice of the Peace in the County where the Occupant of any such Lands dwells or resides, upon Application to him made by the Constable or Collector to whom the List wherein such Lands shall be assessed, shall be committed, and upon Sight of the same, or authentick Copy thereof, may and hereby is impowred and required to grant a Warrant unto the Constable of the Town or Place where such Occupant dwells or resides, to distrein such Occupant by his Goods or Chattels, the full Sum at which the said Lands are set in such List or Assessment, with the Charges occasioned for making such Distress, and to satisfy the same by Sale thereof, returning the Overplus, if any be, to the Owner; and in Case no Goods or Chattels can be found whereon to distrein, to commit the Party to the common Goal of the County, there to remain without Bail or Mainprize, until he pay and satisfy the Sum or Sums so assessed, with the Charges.

Penalty on defective Constables or Collectors.

**And be it further enacted by the Authority aforesaid**, That if any Constable or Collector to whom any publick Tax or Assessment shall be committed to collect, shall be remiss and negligent of his Duty, in not levying and paying unto the Treasurer or his Deputy, such Sum and Sums of Money, as he shall from Time to Time have received, and as ought by him to have been paid within the respective Times set and limitted by the Treasurer's Warrant, according to the Directions therein, pursuant to Law; the Treasurer is hereby impowred, after the Expiration of the Time so set by Warrant under his Hand and Seal, directed to the Sheriff or his Deputy to cause such Sum and Sums of Money to be levied by Distress and Sale of such defective Constables or Collectors

lectors Estate, Real or Personal, returning the Overplus (if any be) and for want of such Estate to take the Bodies of such Constables or Collectors, and to imprison them, until they pay the same. Which Warrant the Sheriff or his Deputy is hereby impowred and required to execute accordingly.

The Town or Precinct in which any defective Constable or Collector lives, to be answerable for his Payment into the Treasury, the Sums committed to him to collect.

**And be it enacted**, That if any Constable or Collector so failing as aforesaid, have no Estate to be found whereon to make Distress, and his Person cannot be taken within the space of two Months from the Time which was set for his paying the same into the Treasury, in such Case, the Town or Precinct where of the Constable or Collector so fails of his Duty, shall within three Months from the Expiration of the said two Months, make good to the Treasury the Sum or Sums due and owing to the same from such defective Constable or Collector, which the Assessors of such Town having Notice from the Treasurer of the failure of any Constable or Collector as aforesaid, shall forthwith thereupon without any other or further Warrant assess upon the Inhabitants and Estates of such Town in Manner as the Sum so committed to such defective Constable or Collector was assessed, and commit the same to some other Constable or Collector to collect, who is to be impowred thereunto by Warrant from the Treasurer.

*Provided always*, That such Constable or Collector failing of his Duty as aforesaid for whose Default the Town is answerable as before expressed, shall at all times afterwards be liable to the Action or Suit of the Treasurer of such Town for all such Sum and Sums as were assessed upon the same thro' his Default, and for other Damages accruing unto the said Town thereby.

Executors or Administrators of Constables deceased, to make up their Accompts, &c.

And in Case of the Decease of any Constable or Collector, in any Town, Precinct, District or Parish, before his having adjusted the Accompts of his Assessment to him committed, the Executors or Administrators of such Constable or Collector shall within two Months after his Decease settle and make up Accompts with the Assessors of the said Town, Precinct, District or Parish, of such Part of the Assessment as was received and collected by the deceased Constable or Collector in his Life-time, with which such Executors or Administrators shall be chargeable in like Manner as the deceased Constable or Collector should be if living: And such Assessors shall thereupon procure and appoint some suitable Person or Persons a Collector or Collectors to perfect such Collection; and they are accordingly hereby impowered and required to perform and execute all such Powers as were granted to the deceased Constables or Collectors therein. And if the Executors or Administrators of any Constable or Collector so deceasing, not having fully collected the Assessment committed, shall fail of making up and settling the Accompt of what was received by the Deceased as aforesaid, before the Expiration of the Time aforesaid, such Executors or Administrators, shall be chargeable with the whole Sum committed to be collected by the Constable or Collector, unto whom they are Executors or Administrators, as the deceased Constable or Collector should be, if living, in Case there be sufficient Assets. 11 G. ca. 3.

Penalty on defective Sheriffs or Marshals.

**And be it further enacted by the Authority aforesaid**, That where any Sheriff or his Deputy shall make Default in accounting for or returning into the Treasury the Sum and Sums mentioned in any Warrant or Warrants of Distress by him to be received from the Treasurer, the Treasurer in such Case is hereby authorized and impowered to make out his Warrant directed unto the Coroner or Coroners of such County, where any Sheriff or Under-Sheriff is defective, requiring them respectively to distrein the same upon the Estate Real or Personal of such defective Sheriff or his Deputy, as is before directed herein, referring to the Sheriff or Under-Sheriff, making Distress upon the Estate of defective Constables or Collectors: Which Warrant the Coroner or Coroners of any County shall be directed, and are hereby impowered and required to execute accordingly.

How real Estates levied by the Treasurer's Warrant shall be disposed of.

**And be it further enacted by the Authority aforesaid**, That where any Sheriff or his Deputy shall by Warrant from the Treasurer pursuant to this Act distrein and levy the Lands or Tenements of any Constable or Collector, or where any Coroner shall by Warrant as aforesaid distrein and levy the Lands

or

or Tenements of any Sheriff or Under-Sheriff for their or any of their Defaults in not collecting or not paying into the Treasury any Sum or Sums of Money, which ought to be by them collected levied and paid in as aforesaid, in every such Case the Sheriff, or either of his Deputies, or the Coroner executing such Warrant or Warrants of Distress, shall cause due Apprizement to be made of any Houses or Lands so levied by the Oaths of two or three sufficient Freeholders in the same County (which Oath any Justice of the Peace is hereby impower'd to administer) and after Apprizement thereof so made is hereby fully authorized and impowred to make Sale of such Houses or Lands, and to make, seal, acknowledge and execute good and sufficient Deeds and Conveyances for the same, and out of the Produce thereof to pay and satisfy the Sum and Sums for which such Estate shall be levied, with all Charges arising thereon; and to return the Overplus upon such Sale (if any be) unto the Owner. And all Deeds and Conveyances of any such Estate in Houses or Lands duly executed as aforesaid, shall be good and effectual in the Law unto the Purchaser his Heirs and Assigns for ever to all Intents and Purposes.

Things exempted from Distress.

**Provided always, and be it further enacted by the Authority aforesaid,** That in no Case whatsoever any Distress shall be made or taken from any Person or Persons of his or their Beasts belonging to the Plow, nor of Tools or Implements necessary for his or their Trade and Occupation, nor of his or their Arms or Utensils of Houshold, necessary for upholding of Life; nor of Bedding or Apparel necessary for him or themselves or Family: Any Law, Usage or Custom to the contrary notwithstanding.

Town of *Province-Town* to chuse in *January* annually.

**Provided always, and it is hereby ordained and declared by the Authority aforesaid,** That it shall be in the Power of and lawful for the Town of *Province-Town* annually to elect and chuse in the Month of *January* at a Meeting regularly called for that Purpose, all Town Officers as the other Towns in this Province are impowred to do at their anniversary Meeting in *March*: Any Thing before contained herein, or any other Law, Usage or Custom to the contrary notwithstanding.

## CHAP. II.

## An Act to prevent Frauds in Muster Rolls.

Preamble.

*WHEREAS it is judged necessary by this Court, that some Forts and Garrisons within this Province in Time of Peace, should be supported for the Safety thereof, which cannot be without considerable Cost and Charge: And to the Intent that no Money may be drawn out of the publick Treasury for the Payment of any Officer, Soldier or Mariner retained in His Majesty's Service and Pay of this Government, but such as* bona fide *are not only inlisted, but actually in Person do perform their Duty:*

Penalty for false Musters.

**Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That every Officer posted at any of the Forts, Garrisons or Truck Houses within this Province, and all such Officers as may hereafter be retained in His Majesty's Service, and the Pay of this Government, and have Soldiers or Mariners under their Command and Inlistment, after the Publication of this Act, that shall make any false or untrue Muster of any Man, or shall wittingly or willingly allow or sign any false or untrue Muster-Roll, or any Duplicate of such Roll, upon Proof thereof upon Oath made by two Witnesses before the Superiour Court of Judicature, Court of Assize and General Goal Delivery, shall for such Offence be disabled from having or holding any civil or military Office, or Imployment in this Province, and shall likewise forfeit and pay to His Majesty the Sum of *One Hundred Pounds*; the one Moiety or half Part of which Fine or Forfeiture, to be applied to and for the Use and Support of this His Majesty's Government, the other Part to and for the Use and Service of the Informer or Informers.

And

And be it further enacted by the Authority aforesaid, That if any Officer shall enter any Person on the Muster Roll by a wrong Name knowingly, upon Conviction thereof, such Officer shall suffer such Pains and Penalties as is directed to be inflicted by this Act, on those that shall make and present any false Muster Roll. Penalty for entring Soldiers by a wrong Name.

*And to discourage, and as far as may be, prevent all Officers from making and presenting false Muster-Rolls:*

Be it further enacted by the Authority aforesaid, That upon any Complaint or Information filed against any Officer for Breach of this Act in the Clerk's Office of the Superiour Court of Judicature, setting forth the Facts committed by the said Officer fourteen Days before the Sitting of the said Court, upon Leave obtained under the Hand of the Captain General or Commander in Chief, the Clerk shall issue forth a Summons to the Officer informed against, commanding him to appear at the Superiour Court of Judicature, *&c*, to answer to such Complaint; which Summons with a Copy of the Information shall be served upon the Officer complained of fourteen Days before the Sitting of the Court. Summons to be given for Offenders Appearance.

And be it further enacted by the Authority aforesaid, That if any Witnesses to prove the Facts complained of, be retained in his Majesty's Service, and Pay of this Government at any of the Forts or Truck-Houses, or Vessels, upon Application made to and Leave therefor had from the Captain-General or Commander in Chief, as aforesaid; the Clerk shall make out *Sub-Pænas* for such Witnesses to attend the said Court, as Evidences in the said Cases. *Sub Pænas* to be issued for Witnesses.

And be it further enacted by the Authority aforesaid, That if any Officer shall presume to detain any Soldier or Sailor under his Command, or any Ways prevent their attending the said Court, when summoned and notified as before directed, such Officer upon Conviction thereof, shall forfeit and pay the Sum of *One Hundred Pounds*, to be disposed of in such Manner as in this Act is already provided: To be recovered by Bill, Plaint or Information in His Majesty's Superiour Court of Judicature, Court of Assize and General Goal Delivery: Any Law, Usage or Custom to the contrary notwithstanding. Penalty for an Officer's preventing Witnesses to appear.

## CHAP. III.

## An Act in Addition to the Act Intituled *An Act for the Settlement and Distribution of the Estates of Intestates.* 4 *W.* & *M.* ca. 2.

*WHEREAS in and by an Act made and pass'd in the fourth Year of the Reign of King* William *and Queen* Mary, *Intituled* An Act for the Settlement and Distribution of the Estates of Intestates; *It is among other Things Provided, That the Apprizement and Division of the Houses and Lands of any Person dying Intestate, shall be made by Freeholders to be appointed and sworn by the Judge for the Probate of Wills and granting Administrations; which Practice by Reason of the great Distance of the said Judge, from some such Estates, hath been found very burthensome and expensive:* Preamble.

For Remedy whereof:

Be it enacted by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That hence forward when and so often as it shall happen that the Estate of any Person dying Intestate shall be more than ten Miles distant from the dwelling Place of the Judge of Probate, for the County where such Estate shall lie, it shall be in the Power of any one of his Majesty's Justices of the Peace, for the several Counties, to swear the Persons appointed for the Purpose aforesaid: And in Case such Estate be more than ten Miles distant from a Justice of the Peace, such Persons as aforesaid, may be sworn by the Clerk of the Town where the Estate lies, a Certificate of such Oath taken by the Justice and Clerk respectively, to be given into the Probate Office when the Persons appointed and sworn as aforesaid, make Return of their Doings: Any Law, Usage or Custom to the contrary notwithstanding. Persons to apprize and divide Intestate Estates to be sworn by a Justice of the Peace, in Case.

## CHAP. IV.

# An Act for erecting, granting and making a County in the Inland Parts of this Province, to be called the County of *Worcester*, and for establishing Courts of Justice within the same.

New County erected by the Name of *Worcester*.

BE it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Towns and Places hereafter named and expressed, *That is to say, Worcester, Lancaster, Westborough, Shrewsbury, Southborough,* Names of the Towns therein. *Leicester, Rutland,* and *Lunenburgh,* all in the County of *Middlesex*; *Mendon, Woodstock, Oxford, Sutton* (including *Hassanamisco*) *Uxbridge,* and the Land lately granted to several Petitioners of *Medfield,* all in the County of *Suffolk*; *Brookfield* in the County of *Hampshire,* and the South Town laid out to the *Narraganset* Soldiers; and all other Lands lying within the said Townships, with the Inhabitants thereon, shall from and after the tenth Day of *July,* which will be in the Year of our Lord One Thousand seven Hundred and thirty one, be and remain one intire and distinct County, by the Name of *Worcester,* of which *Worcester* to be the County or Shire Town: And the said County to have, use and enjoy all such Powers, Priviledges and Immunities, as by Law other Counties within this Province have and do enjoy.

Courts of Justice established in said County.

And be it further enacted by the Authority aforesaid, That there shall be held and kept within the said County of *Worcester* yearly and in every Year, at the Times and Place in this Act hereafter expressed, a Court of General Sessions of the Peace, and an Inferiour Court of Common Pleas, to sit at *Worcester* on the second Tuesdays of *May* and *August,* and the first Tuesdays of *November* and *February* yearly and in every Year, until this Court shall otherwise order: *Also,* That there shall be held and kept at *Worcester* within the said County of *Worcester* yearly and in every Year until this Court shall otherwise order, a Superiour Court of Judicature Court of Assize and General Goal Delivery, to sit on the Wednesday immediately proceeding the Time by Law appointed for the holding of the said Superiour Court of Judicature Court of Assize and General Goal Delivery at *Springfield,* within and for the County of *Hampshire*: And the Justices of the said Court of General Sessions of the Peace, Inferiour Court of Common Pleas, Superiour Court of Judicature, Court of Assize and General Goal Delivery respectively, who are or shall be thereunto lawfully commissioned and appointed, shall have, hold, use, exercise and enjoy all and singular the Powers which are by Law already given and granted unto them, within any other Counties of the Province, where a Court of General Sessions of the Peace, Inferiour Court of Common Pleas, Superiour Court of Judicature, Court of Assize and General Goal Delivery, are already established.

Proviso referring to Matters now depending in the Courts of the other Counties.

*Provided,* That all Writs, Suits, Plaints, Process, Appeals, Reviews, Recognizances, or any other Matters or Things which now are, or at any Time before the said tenth Day of *July,* shall be depending in the Law within any Part of the said County of *Worcester*; and also all Matters and Things which now are, or at any Time before the said tenth of *July,* shall be depending before the Judges of Probate within any Part of the said County of *Worcester,* shall be heard, tried, proceeded upon and determined in the Counties of *Suffolk, Middlesex* and *Hampshire* respectively, where the same are or shall be returnable or depending, and have or shall have Day or Days.

Proviso referring to the Registry of Deeds in the other Counties

*Provided also,* That nothing in this Act contained, shall be construed to disannul, defeat, or make void any Deeds or Conveyances of Lands, lying in the said County of *Worcester,* where the same are, or shall be before the said tenth of *July,* recorded in the Register's Office of the respective Counties where such Lands do now lie; but that all such Deeds or Conveyances so recorded, shall be held good and valid as they would have been had not this Act been made.

And

And be it further enacted by the Authority aforesaid, That the Justices of the Court of General Sessions of the Peace at their first Meeting in the said County of *Worcester*, shall have full Power and Authority to appoint some meet Person within the said County of *Worcester* to be Register of Deeds and Conveyances within the same, who shall be sworn to the faithful Discharge of his Trust in the said Office, and shall continue to hold and exercise the same according to the Directions of the Law, until some Person be elected by the Freeholders of the said County of *Worcester*, who are hereby impowered to choose such Person on the first Thursday of *September* next ensuing, by the Methods in the Law already prescribed, to take upon him that Trust: And until such Register shall be so appointed, by the said Justices and sworn, all Deeds and Conveyances of Lands lying within any Part of the County of *Worcester*, which shall be recorded in the Register's Office of the respective Counties where such Lands do now lie, shall be held and deemed good and valid to all Intents and Purposes as to the recording thereof. Register of Deeds to be chosen.

And be it further enacted by the Authority aforesaid, That the Methods, Directions and Proceedings by Law provided as well for the electing and choosing a Register of Deeds and Conveyances, as a County Treasurer, which Officers shall be appointed in the same Manner as is by Law already provided, on the first Thursday of *September* next, and also for the bringing forward and trying any Actions, Causes, Pleas or Suits both Civil and Criminal in the several Counties of this Province and Courts of Judicature within the same, and choosing of Jurors to serve at the Courts of Justice, shall extend and be attended, observed and put in Practice within the said County of *Worcester*, and by the Courts of Justice within the same: Any Law, Usage or Custom to the contrary notwithstanding. Manner of appointing a Register of Deeds and County Treasurer.

*Provided always*, That the Inhabitants of the several Towns and Places herein before enumerated and set off a distinct County, shall pay their Proportion to any County Rates or Taxes already made and granted, in the same Manner as they would have done, had not this Act been made. Proviso about Taxes.

---

## CHAP. V.

## An Act impowring Courts to adjourn and remove from the Towns appointed by Law, for holding Courts to other Towns, in Case of Sickness by the Small Pox.

*WHEREAS the several Acts of this Province for establishing and holding the Superiour Court of Judicature, Court of Assize and General Goal Delivery, Courts of General Sessions of the Peace, and Inferiour Courts of Common Pleas in the several Counties of this Province, and for ascertaining the Time and Place for holding the same, do not impower the Justices of the said Courts to adjourn to any other Town from those where the said Courts are held according to Law, tho' at the same Time the Small-Pox (being a mortal infectious Distemper) may prevail there, and so endanger the Lives and Health of many of His Majesty's good Subjects obliged to attend said Courts, or in a great Measure prevent Persons concerned attending, whereby Justice may be greatly delayed, and the Subject oppressed*: Preamble.

Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when any of the before-mentioned Towns shall be visited with the aforesaid mortal infectious Distemper, at the Time appointed for holding said Courts, that then it shall be in the Power of the Justices of said Courts to adjourn and remove to one of the next adjacent Towns of Safety: Any Law, Usage or Custom to the contrary notwithstanding. Courts to be removed in Case of the Small Pox.

---

## CHAP. VI.

### An Act in further Addition to an Act Intituled *An Act for due Regulation of Weights and Measures*, made in the fourth Year of the Reign of their late Majesties King *William* and Queen *Mary*.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Brass and Copper Weights and Measures lately sent out of *England*, with Certificate out of His Majesty's Exchequer to be approved *Winchester* Measure according to the Standard in the Exchequer, be the publick allowed Standard throughout this His Majesty's Province, for the proving and sealing all Weights and Measures thereby. And the Constables of every Town throughout this Province, not already supplied, shall within three Months next after the Publication of this Act provide upon the Town's Charge, one Bushel, one half Bushel, one Peck, one half Peck (conformable as to Bigness to the said Standard, and of the same Breadths, as are already mentioned in an Act made in the twelfth Year of the said King *William*, Intituled, *An Act in Addition to the Act for due Regulation of Weights and Measures*:) as also one Ale Quart, one Wine Pint and half Pint; one Ell, one Yard, one Sett of brass Weights, to four Pounds, (after sixteen Ounces to the Pound,) with fit Scales and Steel Beams, tried and proved by the aforesaid Standard, and sealed with a Seal (of the Letters *P. M.* (which shall be kept for that Purpose) by the Province Treasurer, or some other Person, in his Presence and by his Order; which said Weights and Measures shall be kept and used only for Standards in in the several Towns) and the said Treasurer is hereby authorized and required to do the same, for which he shall receive from the Constables of each Town *two Pence* for every Weight and Measure tried, proved and sealed as aforesaid: Any Law, Usage or Custom to the contrary notwithstanding.

Standard of Weights and Measures.

4 *W.* & *M.* ca. 14. 12 *W.* ca. 11. 4 *A.* ca. 2.

---

## An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the twenty-sixth Day of *May*, 1731. And continued by several Adjournments unto Wednesday the third Day of *November* following.

---

## CHAP. I.

### An Act making more effectual Provision for the calling of Precinct or Parish Meetings.

Preamble.

*Whereas His Majesty's Justices of the Peace in their several Counties are, by the Acts or Laws of this Province already made, impowred upon Application made to them, to issue out their Warrants for the calling of the first Meeting of any Parish or District regularly set off; but no Provision is made for the calling any after Meeting in Case of the Death or Refusal of any of the major Part of such a Committee, as are impowered to call other or after Parish Meetings:*

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That when it shall so happen by the Refusal of any Committee impowred to call Meetings in any Parish or District, or their being disabled by the Death or Removal of the major Part of such Committee, that then it shall and may be lawful for any Justice of the Peace in the County where such Precinct, District or Parish lies; and such Justice is hereby impowred upon Application

Justices impowred to call Precinct Meetings after the first, in Case.

to

to him made by five or more Freeholders of such Precinct or Parish, by writing under their Hands, for calling of a Meeting, to issue out a Warrant for the assembling such District or Parish, directed to one of the Freeholders, requiring him to notify the Freeholders and others (qualified by Law to vote) of the Time and Place of the Meeting: And the Freeholders and other Inhabitants so convened shall have full Power to choose all necessary Officers to act and transact all Matters and Things relating to their Parish, as they shall judge convenient: *Provided*, That such Matters and Things are contained in the Warrant or Notification of the said Meeting.

*And whereas no Provision is made in the Law for swearing of Parish Officers in Towns where no Justice of the Peace dwells, and the travelling to other Towns is attended with Charge and Difficulty:* Therefore, Preamble.

Be it enacted by the Authority aforesaid, That the Assessors and other Officers in any Parish or District being in a Town where no Justice of the Peace dwells, shall and may be sworn to the faithful Discharge of their Office before the Clerk of such Parish or Precinct, who is accordingly impowred to administer the same; the said Clerk being first sworn before one of His Majesty's Justices in the said County. Clerk to administer an Oath where no Justice dwells.

## An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and held at *Boston*, upon Wednesday the thirty-first Day of *May*, 1732.

### CHAP. II.

### An Act providing Pay for keeping Petit Jurys.

*WHEREAS the several Courts of Justice established within this Province, have for Years past been in the constant Practice of appointing Persons under Oath to keep the Jury of Trials when they have Causes committed to them between the Crown and the Subject, or between Man and Man; which Usage hath been of great Service, and tended to the more equal Distribution of Justice. But in as much as there is no Fee or Allowance by Law stated for such Service:* Preamble.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Fee for keeping the Jurys in all such Cases shall be *one Shilling* and no more for each Action: Any Law, Usage or Custom to the contrary notwithstanding. Fee for keeping Jurys.

## An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston*, upon Wednesday the thirty-first Day of *May*, 1732. And continued by Adjournment unto Wednesday the first Day of *November* following.

### CHAP. I.

### An Act in further Addition to and Explanation of an Act in Addition to an Act for erecting of a Powder-House in *Boston*.

*WHEREAS the Forfeitures for keeping a greater Quantity of Gun-Powder than is allowed by Law, in any of the Houses or Warehouses in the Town of* Boston, *as provided in an Act made and passed* Preamble.

*paſſed in the ſecond Year of his late Majeſty's Reign, Intituled,* An Act in Addition to an Act for erecting a Powder-Houſe in *Boſton, are found not ſufficient to prevent the Breaches of that Act:*

Fine for keeping too much Gun-Powder.

**Be it therefore enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and the Authority of the ſame,** That there ſhall be a further Sum of *five Pounds* Penalty, making in the whole *ten Pounds*, for every half Barrel of Powder, and ſo *pro rato*, kept in any Houſe or Warehouſe contrary to that Act.

*And whereas ſome Doubts have ariſen about the Forfeiture of Powder when found and informed againſt:*

The whole Powder to be forfeited when it exceeds what is allowed by Law.

**Be it further declared by the Authority aforeſaid,** That when any Quantity of Powder is found to be in any Houſe or Warehouſe other than by Law permitted, all ſuch Powder as well the Quantity allowed, as the Over-plus, ſhall upon Conviction be declared forfeited; and if any Perſon ſelling or retailing Powder, ſhall lodge any Powder in any of his Out-Houſes or Buildings, in his Yard, Garden, or any of the Dependencies thereof, more than by that Law he may, the whole Quantity ſhall be forfeited as aforeſaid.

The ſaid Forfeitures to be recovered in Manner as is provided in the aforeſaid Act.

---

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*; Begun and held at *Boſton*, upon Wedneſday the thirty-firſt Day of *May* 1732. And continued by ſeveral Adjournments unto Wedneſday the fourth Day of *April* following.

---

## CHAP. II.

## An Act in Explanation of and Addition to an Act Intituled *An Act to prevent unneceſſary Law-Suits.*

Preamble.

*WHEREAS by an Act made and paſſed in the fourth Year of His preſent Majeſty's Reign, Intituled* An Act to prevent unneceſſary Law-Suits: *It is provided,* "That where any Perſon is ſued in a "Plea of Debt due by Book, he may plead what is due upon his Book, by "Way of Balance to the Plantiff's Book: *upon which many Doubts have "ariſen and may ariſe:*

Wherefore, for the Explanation thereof;

Accompts open or balanced admitted as Evidence.

**Be it enacted and declared by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame,** That the true Intent and Meaning thereof is, That if any Perſon be ſued in any Action, either of Debt or of the Caſe, for any Sum of Money due upon Contract between the Parties for any Goods ſold, or Service done, whether the Accompt be open, or a Balance thereof be made and ſigned by the Parties (except Specialties and expreſs Contracts in writing) he may either plead ſpecially, or upon the general Iſſue, give in Evidence what is due upon his Book by Way of Balance to the Plantiff's Demand, and be admitted to all ſuch Method and Courſe of proving his Accompt as any Plaintiff upon his Suit might.

Defendants Book admitted as Evidence againſt the Plaintiffs Demand.

Preamble.

*And inaſmuch as it hath ſometimes happened that when two Perſons have at the ſame Time Execution againſt each other, one of them abſconds and leaves a Power of Attorney with ſome other Perſon, to receive the Money due on his Execution, and by his abſconding as aforeſaid avoids paying the other Execution:*

For Prevention whereof, and ſuch like Inconveniencies for the future;

Be

Be it enacted by the Authority aforesaid. That when and so often as it shall happen that the Sheriff, his Deputy, or any Coroner, or his Deputy, or Constable, shall at the same Time have several Executions, wherein the Creditor in one Execution is Debtor in the other, that in such Case such Officer or Officers are hereby impowered and directed to cause one Execution to answer and satisfy the other, so far as the same will extend. One Execution to answer another.

*Provided always*, That this Act shall not be construed to extend to any Judgments and Executions, wherein the Creditor in one Execution, is not in the same Capacity and Trust Debtor in the other. Proviso.

## CHAP. III.

## An Act in Addition to the Act Intituled, *An Act for Review in Civil Causes.*

13 *W.* ca. 16.

WHEREAS *in and by an Act of this Province, Intituled,* An Act for Review in Civil Causes, *made and passed in the thirteenth Year of the Reign of his late Majesty King* William *the third,* It is enacted, "That it "shall be in the Liberty of the Party aggrieved, at the Judgment given in any "Inferiour Court of Common Pleas, or in the Superiour Court of Judicature "respectively, by new Process to Review the said Cause, once in each Court;" *And it is also thereby further Enacted,* "That Execution shall not be stay'd "or suspended for, or by Reason of any Proceess of Review": *Which Law by Experience hath been found to be in general Good and Wholsome: But by Reason of the last mentioned Clause of the Act, it hath frequently happened in Cases where the Plaintiff in the original Action hath obtained Judgment against the Defendant, upon the Appeal at the Superiour Court of Judicature, whereupon Execution hath immediately issued, and the original Defendant, either by Means of the said Plaintiff's living out of the Province, or of his Insolvency, or of his suing as Executor or Administrator, hath been defeated of duly serving his Writ of Review, or finally lost or been put to great Difficulty to recover back the Money levied by Execution, altho' he prosecuted his Writ of Review at the next Superiour Court of Judicature, and Judgment there rendred for reversing the former Judgment, with Costs; which is such an Hardship upon the original Defendant that he loses the good Effects intended by the said Law:* Preamble.

For Remedy whereof for the future;

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when the original Plaintiff in any personal Action now depending, or hereafter to be commenced upon the Trial of the Appeal at the Superiour Court, shall obtain Judgment against the original Defendant for any Sum or Sums of Money or other Things sued for and Costs; in all such Cases such Defendant entring into Bonds at the Time of making up the said Judgment, with sufficient Security to be approved of by the said Court, with Condition to prosecute a Writ of Review of the said Action with Effect, at the next Superiour Court of Judicature to be holden within and for the same County, and to answer and pay to the original Plaintiff for the Debt recovered after the Rate of *twelve Pounds* per Cent. per Annum, being double Interest, from the Time of making up said Judgment, for his being delayed, and double additional Costs, in Case the Judgment be affirmed, Execution shall be stay'd until Judgment upon the Review; and in Case the original Plaintiff shall not be an Inhabitant or Resident in this Province at the Time of prosecuting the Writ of Review, it shall be deemed a good and legal Service for the Plaintiff on the Review to serve the Attorney, Factor, Agent or Trustee of the original Plaintiff, or such Person as appeared for the original Plaintiff, on the Appeal with his Writ of Review, which shall be deemed as effectual to hold him, to Answer and Defend in

Execution on Judgments on the Appeal to be staid in Case.

Writs of Review may be served on Attorney &c. in Case.

Proviso. in the said Action, as if he himself were served with said Process. *Provided*, that the double Interest aforementioned shall not extend to the letting of Cattle or Usages of the like Nature in Practice among Farmers, or maratime Contracts among Merchants, as Bottomry or Course of Exchange, as hath been heretofore accustomed.

Writ of Review in real Actions may be served on Ter-Tenants in Case. **And be it further enacted by the Authority aforesaid**, That in all real Actions where the Defendant or Defendants in the Review happen to live out of the Province, so that he she or they can't be duly served with a Writ of Review, the Service of such Writ upon the Ter-Tenant or Person in Possession of the Premisses, shall be deemed a good Service, to hold the Defendant or Defendants to Answer and Defend in said Suit; and the Court of Judicature where the said Writ is returnable, shall proceed to try the Action as if Process had been served upon the original Defendant or Defendants personally.

## CHAP. IV.

6 G. ca. 1. ## An Act in Addition to an Act Intituled *An Act for the Suppressing of Lotteries.*

Preamble. *WHEREAS the Provision made in and by an Act Intituled*, An Act for the suppressing of Lotteries, *made and pass'd in the sixth Year of the Reign of his late Majesty King* George *the first, has not been found sufficient to put a Stop to that Practice, but sundry Persons have exposed their Estates as well Real as Personal to Sale by Lotteries, projected, and the Tickets disposed of, within this Province, reserving the drawing of the Lots in some of the neighbouring Colonies or Provinces; whereby the good and wholsome Design and true Intent and Meaning of the aforesaid Act, is very much eluded and evaded, to the great Discouragement of Trade and Industry, and grievous Hurt and Damage of many unwary People:*

For Remedy whereof:

Fine for setting up a Lottery. **Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same**, That from and after the Publication of this Act, if any Person or Persons shall undertake or set up any Lottery, or expose to Sale, or dispose of any Estate, Real or Personal, by way of Lottery, such Person or Persons shall for such Offence forfeit and pay the Sum of *five Hundred Pounds*, to be recovered by Information, Plaint, Bill or Action at Law, in any of His Majesty's Courts of Record within this Province; the one Half thereof to be to the King's Majesty, to be applied towards the Support of this Government; the other Half to him or them that shall inform and sue for the same.

For publishing any Account of Lotteries. **And be it further enacted by the Authority aforesaid**, That if any Person or Persons shall be aiding or assisting in any Lottery, by printing, writing or any otherways publishing an Account thereof, or where Tickets may be had for the same, such Person or Persons shall forfeit the Sum of *one Hundred Pounds*, to be recovered and disposed of in Manner as aforesaid.

For selling Lottery Tickets. **And be it further enacted by the Authority aforesaid**, That if any Person or Persons shall offer or expose to Sale, give, sell, or otherways dispose of to any Person within this Province, any Lottery Tickets for the Sale of any Estate whatsoever, Real or Personal, such Person or Persons shall forfeit the Sum of *two Hundred Pounds* for each Ticket so exposed to Sale or otherwise disposed of, to be recovered in Manner as aforesaid, and for the Use aforesaid; and the Person so offending shall be uncapable of sustaining any Office or Place of Profit whatsoever, within this Province.

Proviso. *Provided always*, That this Act shall not be construed to extend to any Lottery allowed by Act of Parliament, or Law of this Province.

CHAP.

# An Act,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and held at *Boſton*, upon Wedneſday the thirtieth Day of *May*, 1733. And continued by Adjournment unto Wedneſday the fifteenth Day of *Auguſt* following.

## CHAP. I.

## An Act in further Addition to an Act Intituled *An Act for making effectual Proviſion for the calling of Precinct or Pariſh Meetings.*

4 & 5 G. 2. ca. 1.

Preamble.

*WHEREAS by an Act made in the fourth and fifth Years of the Reign of his preſent Majeſty*, Intituled An Act for making effectual Proviſion for the calling of Precinct or Pariſh Meetings, *It is Enacted*, "That when it ſhall ſo happen, by the refuſal of any Committee impowred to "call Meetings in any Pariſh or Diſtrict, or their being diſabled by the Death "or Removal of the major Part of ſuch Committee, that then it ſhall be law-"ful for any Juſtice of the Peace in the County where ſuch Precinct, Diſtrict "or Pariſh lies, and ſuch Juſtice is impowred to iſſue out a Warrant for the "aſſembling ſuch Diſtrict or Pariſh, *&c.*" *But no Proviſion is made by the ſaid Act for the calling of Precinct or Pariſh Meetings after the firſt Meeting, where there ſhall be a Failure of chuſing and appointing a Committee to call Meetings for the future, as it hath ſometimes happened; by Means whereof many Inconveniencies have ariſen:*

A Juſtice of the Peace to call Pariſh Meetings after the firſt Meeting in Caſe.

Be it therefore enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That where no ſuch Committee has been choſen in any Pariſh or Precinct, then and in ſuch Caſe, upon Application of five or more of the Freeholders and Inhabitants of ſuch Precinct or Pariſh, to any one of His Majeſty's Juſtices of the Peace of the County where ſuch Precinct or Pariſh lies, by writing under their Hands for calling of a Meeting, to chooſe Precinct Officers, and to tranſact ſuch Matters and Things neceſſary for the ordering the Affairs of ſuch Precinct or Pariſh, ſuch Juſtice is hereby impowred and directed to iſſue out a Warrant for the aſſembling ſuch Precinct, Diſtrict or Pariſh as aforeſaid, directed to the Clerk (if any be) or one of the Freeholders aſking the ſame, requiring him to notify the Freeholders and other Inhabitants (qualified by Law to vote in Town Affairs) of the Meeting in like Manner, and according to the Rules and Directions preſcribed in an Act Intituled, *An Act in further addition to the Act for the more effectual providing for the Support of Miniſters*, made in the tenth Year of the Reign of King *George* the firſt.

Preamble.

*And whereas many Inconveniencies have ariſen from a Juſtice of the Peace only being impowred to ſwear a Precinct or Pariſh Clerk.*

The Moderator of the Meeting to ſwear the Pariſh Clerk in Caſe.

Be it therefore enacted by the Authority aforeſaid, That in Caſe there be no Juſtice of the Peace preſent at the Choice of a Pariſh or Precinct Clerk, that then it ſhall be in the Power of the Moderator of ſuch Precinct or Pariſh Meeting, to ſwear ſuch Pariſh or Precinct Clerk, to the faithful Diſcharge of his Office; who is hereby impowred to ſwear the reſt of the Precinct Officers.

# An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston*, upon Wednesday the thirtieth Day of *May*, 1733. And continued by several Adjournments unto Wednesday the third Day of *October* following.

## CHAP. I.

4 *W.* & *M.* ca 2. ## An Act in further Addition to the several Acts or Laws for the Settlement and Distribution of the Estates of Intestates.

Preamble. *WHEREAS it often happens, that Persons dying Intestate are seized and possessed of Lands, and other real Estate, lying and being in several Counties within this Province; and thereupon it hath been disputed, whether the next of Kin and Heirs at Law ought not to apply to the Judges of Probate in the respective Counties where such Lands and real Estate lie, for a Settlement and Distribution of the same; by Means whereof, not only great Trouble, Cost and Charge hath arisen and been occasioned to the Parties concerned, but the same hath been attended with many other Inconveniencies:*

Power to settle Lands in several Counties by one Judge of Probate. **Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That when it shall so happen, that any Person shall die Intestate, seized of Lands or other Real Estate, lying in several Counties within this Province, the Judge of Probate for any such County (preference to be always given to the Judge of Probate for the County where the Deceased was an Inhabitant at the Time of his Death,) shall have full Power and Authority to make a Settlement and Distribution of the whole of the Real Estate of such Intestate, in whatsoever County in this Province lying and being, in the same Manner and by the same Rules as are already prescribed by Law: And the like Power and Authority is hereby granted to the several Judges of Probate in this Province, with respect to any Intestate Estate not already settled.

Proviso. *Provided always*, That this Act nor any Thing therein contained shall be construed to extend to, or any wise affect any intestate Estate already settled.

# An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and held at *Boston* upon Wednesday the thirtieth Day of *May*, 1733. And continued by several Adjournments unto Wednesday the tenth Day of *April* following.

## CHAP. II.

4 *W.* & *M.* ca. 6. ## An Act in further Addition to an Act Intituled *An Act for the punishing of Criminal Offenders.*

Preamble. *WHEREAS the Penalties already provided in and by an Act made and passed in the fourth Year of the Reign of King* William *and Queen* Mary, *Intituled*, An Act for the punishing of criminal Offenders, *have in a great Measure proved ineffectual to restrain Persons from Drunkenness, profane Swearing and Cursing:*

Penalties for Drunkenness and prophane swearing and cursing. **Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That for the future, whoever shall be convicted of prophane Swearing or Cursing shall for the first Offence forfeit and pay the Sum of *ten Shillings*, and for every such Oath or Curse after the first (uttered at the same Time, and in the hearing of the same Person or Persons) the Sum of *two Shillings*: And if any such Offender shall at any other Time afterward, be convicted of profane Swearing or Cursing, he or she shall forfeit and pay for every such Oath or Curse, the Sum of *ten Shillings*, and also be proceeded with in like Manner

Manner, as the aforesaid Act directs in Case of a second Conviction of Drunkenness. And if any Person shall be convicted of Drunkenness, such Offender shall forfeit and pay the Sum of *ten Shillings* for every such Offence.

The respective Fines before-mentioned, to be recovered in the Manner, at the Time, and disposed of for the Use in said Act mentioned.

And in Case any such Offender as aforesaid, shall be unable or refuse to pay such Fine or Fines, on him or her imposed, the Justice or Justices before whom the Conviction shall be, are hereby impowred to punish such Offender agreable to the Direction of the Law made in the fifth Year of King *William* and Queen *Mary*, Intituled *An Additional Act for the punishing Criminal Offences.* 5 *W.* & *M.* ca. 4.

---

# An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the twenty-ninth Day of *May*, 1734.

---

## CHAP. III.

## An Act in Addition to the several Acts relating to and for preventing of Encroachments and Incumbrances upon High Ways, private Ways, Streets, &c.

5 *W.* & *M.* ca. 8. 10 *W.* III ca. 1. 12 *A.* ca. 6. 11 *G.* ca. 3.

Preamble.

*WHEREAS the Provision made by the Law for removing of Incumbrances, Buildings or Fences upon or across, or that do or may obstruct or streighten the high Ways, private Ways, Town Ways, Streets or Alleys, has been found in some Cases insufficient to pay and satisfy the Charge of removing the same: And whereas also it frequently happens (in ancient Towns especially) that after Lands have been long fenced in particular Lots or Proprieties, such Fences are generally reputed the Bounds between such particular Lots, and the high Ways, private Ways, Streets, Alleys or Commons within such Town, and no Monuments remain of any other Boundaries; whereby great Advantage is given (to Persons so disposed) to encroach on said high Ways and Commons, and the Prosecution of such Offences is rendred extreamly difficult*: For Remedy whereof:

Buildings, Fences, &c. on high Ways, &c to be removed.

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That if any Person or Persons at any Time from and after the Publication of this Act, shall presume to set up or cause to be set up or erected any Building, Fence or other Incumbrance whatsoever, in, upon, or over any of the Roads, high Ways private Ways, Streets, Lanes or Alleys, in any Town within this Province, or continue any such Incumbrance. and be duly convicted thereof, the said Incumbrances, Buildings or Fences, shall be removed, as in and by Law is directed: And in Case the Materials of such Buildings, Fences, or other Incumbrances, be insufficient to pay and satisfy the Charges of removing the same, and Costs of Prosecution, the Court or Justice before whom such Prosecution shall be made, shall and are hereby impowred to order the Payment thereof, out of other Goods or Estate of the Person or Persons so offending, and award Execution accordingly.

Charges how to be defrey'd.

Boundaries stated.

And be it further enacted by the Authority aforesaid, That where Fences have been erected fronting against any of the common Lands and high Ways, private Ways Streets, Lanes or Alleys in any Town or Peculiar within this Province, where the Breadth of such high Ways, private Ways Streets, Lanes or Alleys is not known, nor can be made certain by the Records thereof. nor any other Boundaries, and such Fences have been upheld and maintained for

more than the space of thirty Years such Fence or Fences shall then, and from thenceforth, be accepted, reputed and taken as the Lines or Boundaries between the said Commons, high Ways, private Ways, Streets, Lanes or Alleys, and the Lands lying in particular Propriety adjoining thereto, unless the Owner or Owners of such Lands do make it appear by authentick Records, or credible Witnesses, that his or their Bounds did extend further in the original Grant thereof.

No Fences to be remov'd nearer Commons, high Ways, &c. without duly notifying the Select-Men, or other Persons appointed.

**And be it further enacted by the Authority aforesaid,** That if any Owner or Proprietor of Lands inclosed and fenced as aforesaid, shall remove his or their Fence or Fences further towards any such Commons, high Ways, Streets, Lanes or Alleys, without duly notifying the Select-Men of the Town wherein such Lands do lie, or such other Person or Persons respectively, as are or shall be chosen and appointed by such Town or the Proprietors thereof, to take the Care and Inspection of the Boundaries between the Land of particular Persons and the Lands in said Town, appropriated for Common, High-Ways, *&c.* that so the Lines or Boundaries may be perambulated before the Fences be so removed, every such Person and Persons so offending, or that shall be aiding or assisting therein, upon Conviction thereof, shall forfeit and pay the Sum of *forty Shillings*, to be disposed of, one Half to the Poor of such Town where the Offence shall be committed, the other Half to him or them that shall inform and sue for the same.

Penalty.

## CHAP. IV.

## An Act in Addition to an Act, Intituled *An Act for the Ease of Prisoners for Debt.*

*Note.* The Act which this is founded upon is not among the Perpetual Acts.

WHEREAS it is provided in and by an *Act made and pass'd in the fourth Year of the Reign of King* George *the second, Intituled, An Act for the Ease of Prisoners for Debt,* "That any Person imprisoned for Debt, either upon mean Process or Execution, shall be allowed the "Liberty of the Prison Yard, the Prisoner with two sufficient Sureties giving "Bond to the Sheriff for his keeping within the Limits thereof, until lawfully "discharged." *And although it is further provided,* "That in Case of an "Escape the Penalty of such Bond shall be to and for the Use of the Creditor, and shall be transferred and assigned over to the Creditor by the Sheriff." *Yet forasmuch as the Creditor upon putting such Bond in Suit can recover Judgment only for the original Debt, with Cost of Suit and Interest; by Reason of which, Escapes are not sufficiently discouraged, and many Creditors kept out of their just Dues to their great Hurt and Damage:*

Preamble.

For Remedy whereof:

Upon Prisoners Escape, the whole Bond assign'd to the Creditor.

**Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That henceforward, when and so often as any Prisoner, having given Bond as aforesaid, shall make an Escape, the whole Penalty of such Bond shall be to and for the Use of the Creditor, and shall be transferred and assigned over to the Creditor by the Sheriff, with full Power to enable him to put the same in Suit, and the Creditor shall recover the whole Sum therein expressed, and the Court shall make up Judgment accordingly.

## CHAP. V.

## An Act for Regulating the Proceedings on Bonds of Administrators on Intestate Estates.

4 *W.* ca. 2.

WHEREAS *in and by an Act or Law of this Province, made in the fourth Year of the Reign of King* William *and Queen* Mary, *Intituled,* An Act for the Settlement and Distribution of the Estates of Intestates; *the*

Preamble.

*Judges*

*Judges for Probate of Wills, and granting of Administrations in the respective Counties, are required to take Bond of such Person or Persons, to whom they grant the Administration of the Estate of any Intestate, and it sometimes happens, that such Judges do put those Bonds in Suit, and distribute the Sums recovered thereon, to and among the Parties interested in such Manner, as in and by the said Act is directed: And whereas it has happened that after such Distribution as aforesaid the Administrator has brought his Action of Review, and thereupon obtained a Reversal of the former Judgment; in which Case the respective Judges of Probate are liable to an Execution and thereby exposed to great Charge and Inconvenience:*

For Remedy whereof:

Execution to be staid upon Judgment recovered by the Judge of Probate.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when any of the Judges for the Probate of Wills and granting of Administrations, shall put in Suit any Administrator's Bond, and recover a Judgment for the Penalty therein expressed, or any Part thereof at any Inferiour Court of Common Pleas, or Superiour Court of Judicature, Execution of such Judgment shall be staid, until the next Session of the Court whereat the same was obtained, that so such Administrator may then (if he sees Cause) have an Opportunity to review his Action: and if he shall neglect so doing Execution shall thereupon be awarded; and the Judge for Probate shall make Distribution of the Sum recovered to and among the Parties interested therein, agreable to the Direction of the Law: And every such Administrator is hereby forever precluded and bar'd from bringing any such Action afterward.

## CHAP. VI.

## An Act in Explanation of and further Addition to an Act Intituled *An Act for Regulating of Townships, Choice of Town Officers, and setting forth their Power.*

4 *W. & M.* ca. 13.

Preamble.

WHEREAS *in and by an Act made and passed in the fourth Year of King* William *and Queen* Mary, *Intituled,* An Act for Regulating of Townships, Choice of Town Officers, and setting forth their Power, *It is provided,* "That the Bounds of all Townships shall be run betwixt "Town and Town, and Marks renewed once in three Years, by two of the "Select-Men of each Town, or any other two Persons whom the Select-Men "shall appoint; the Select-Men of the most ancient Town to give Notice "to the Select-Men of the next adjacent Towns, of the Time and Place "of meeting for such Perambulation six Days before Hand, on pain of "forfeiting *five Pounds* by the Select-Men of any Town that shall neglect "their Duty in any of the Particulars aforesaid; two Thirds thereof for the "Use of the Poor of such Town; and the other Third unto the Select-Men "of any of the next adjacent Towns that shall inform and sue for the same, in "the Inferiour Court of Common Pleas within the same County." *Whereupon some Disputes have arisen as to the Disposition of the said Forfeiture of* five Pounds.

For Prevention whereof, and that the said Act may be rendred more effectual;

Forfeiture for not perambulating Town Bounds.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when the Select-Men of any Town within this Province, whose Duty it is by the said Act to give Notice unto the Select-Men of the next adjacent Towns of the Time and Place of Meeting for preambulating the Bounds betwixt them, shall neglect their Duty in that Particular, they shall forfeit and pay the Sum of *fifteen Pounds*. And if the Select Men of any Town within this Province shall (upon Notice given as aforesaid) refuse or neglect by themselves

themselves or others by their Appointment, to meet and perambulate such Bounds, altho' they may be the Bounds between County and County, they shall forfeit and pay the Sum of *fifteen Pounds*: The said Fines or Forfeitures to be disposed of, one Third to the Select-men, or other Person of the Town, which is not negligent of their Duty in this Behalf, who shall inform and sue for the same; and the other two Thirds to the Use of the Poor of the Town of which they are Select-Men; the said Fines or Forfeitures respectively to be recovered in any Court of Common Pleas within the County where either of the said Towns lie.

How to be disposed of.

---

# An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston*, upon Wednesday the twenty-ninth Day of *May* 1734. And continued by Adjournments unto Wednesday the twentieth Day of *November* following.

---

## CHAP. I.

## An Act in Addition to an Act Intituled, *An Act for the Settlement and Distribution of the Estates of Intestates.*

4 *W.* & *M.* ca. 2.

WHEREAS *in and by an Act made and passed in the fourth Year of the Reign of King* William *and Queen* Mary, *Intituled*, An Act for the Settlement and Distribution of the Estates of Intestate, "The Judges of Probate "of Wills, and for granting Letters of Administration of the Estates of In- "testates, are to settle the Estate both Real and Personal, one Third Part of "the personal Estate to the Wife of the Intestate for ever, besides her Dower "or Thirds in the Housing and Lands during Life, where such Wife shall not "be otherwise endowed before Marriage; and all the Residue of the Real and "Personal Estate by equal Portions to and among his Children, and such as "shall legally represent them, *&c.*" *But sufficient Provision is not made for the Settlement of the Estate on the Grand-Child or Grand-Children, where one or more of the Children of the Intestate are deceased: For want thereof considerable Difficulties have arisen and may arise:*

Preamble.

For Remedy whereof:

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the several Judges of Probate of Wills and for granting Administration on the Estates of Intestates, where any of the Children deceased in the Life-Time of the Intestate, and left Issue, shall make a full Settlement of the Estate in Manner following, *viz.* On the Grand-Children that Part which their deceased Father or Mother would have had or taken if living at the Time of the Intestate's Decease, and shall settle two Shares or a double Portion on the eldest Son, if any be, and so in the same Manner and Proportion as if the same had descended from their immediate Father or Mother, and shall follow the same Rules as to settling the Lands upon one or more of the Grand-Children, (as the same are capable of making Settlements) according to the Directions of the Law of this Province, *viz.* An Act made in the sixth Year of King *George* the first, *Chap.* III. directing to give preference to the Sons.

Manner of settling Intestate Estates on Grand Children.

Proviso.

*Provided always*, This Act shall not extend to affect the Title of any Estate already settled.

---

ACTS

# Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston* upon Wednesday the twenty-eighth Day of *May*, 1735.

## CHAP. II.

## An Act in Addition to an Act Intituled, *An Act for the hearing and determining Cases in Equity*, made and passed in the tenth Year of the Reign of King *William* the third.

10 *W.* ca 13.

Preamble.

*WHEREAS the Conditions annexed unto Bonds and other Specialties, are sometimes for the Payment of Moneys, or the Performance of other Matters and Things at different Times; and when upon the first Breach of such Condition the Bond or Specialty has been put in Suit, it has been apprehended that the Courts of Justice, even in Equity, can chancer such Bonds or Specialties to so much only of the Debt, or other collateral Matters to be performed, as is become due at the Time of the Action brought, whereby the Obligee may meet with Difficulty to recover his Debt as it shall become due:*

Judgment to be made up for the whole Penalty of Bonds where there are divers Payments &c.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when any Action shall be brought and prosecuted on any Bond or other Specialty with Penalties for the Payment of Sums of Money, Performance of Covenants, Contracts, Agreements, Matters or Things to be done at several Times, and the Plaintiff recover the Forfeiture of such Penalty, the Court shall enter up Judgment for the whole of such Forfeiture, and award Execution only for so much of the Debt or Damage as is due or sustained at that Time; so always that the said Judgment shall stand, and be a Security to the Plaintiff, his Executors and Administrators, for any further and after Payments or Damages he or they may have a just Right to by the Non-Preformance or Breach of the Covenants, Contracts, Agreements or Things, in such Bonds or other Specialties contained; and may have a Writ or Writs of *Scire Facias* on said Judgment, from such Courts where the same was obtained, against the Defendant, his Heirs, Executors, or Administrators, suggesting other and further Damages sustained by the Non-Performance of Breach of such Covenants, Contracts and Agreements; and to summon him or them to shew Cause why Execution should not be awarded upon said Judgment for other and further Damages, as set forth in the Writ, and made out to the Court; upon which the said Court shall proceed as aforesaid, and so *toties quoties*, or as often as such Damages shall accrue, and to be sued for as aforesaid.

Writs of *Scire Facias* to be issued thereon from Time to Time as any Thing becomes due.

## CHAP. III.

## An Act for employing and providing for the Poor of the Town of *Boston*.

Preamble.

*WHEREAS the Town of* Boston *is grown considerably populous, and the Idle and Poor much increased among them, and the Laws now in Force relating to them, not so suitable to the Circumstances of the said Town, which are different from those of the other Towns in the Province:*

Therefore,

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That from henceforth at the anniversary Town Meeting in *March*, for the Choice

Twelve Overseers of the Poor to be chosen in *Boston*. and twelve Wards to be appointed.

Choice of Town-Officers, the Town of *Boston* are, and shall be hereby impowered to chuse twelve Overseers of the Poor, who shall be chosen for twelve several Wards respectively, into which the said Town is or shall be divided, each Overseer to have the more especial Care of his particular Ward, yet so as not to exclude the Authority of any other Overseer as there may be Occasion; which Overseers shall visit their respective Wards, whensoever they may judge there is Occasion, at least once in every Month; and shall also once in every Month assemble together to consider and determine of the most proper Methods for the Discharge of their Office.

Preamble.

*And whereas the Poor of the said Town may upon the decay of Trade become still more numerous, and want Means to employ and set themselves to Work in any settled or constant Manner, or by ill Habits become idle and slothful and very burthensome to the Town:*

Town of *Boston* impowered to erect a Work-House for the Poor.

Be it enacted by the Authority aforesaid, That in such Case, or whenever the said Town of *Boston* shall, at a legal Town Meeting for that Purpose duly warned, judge it necessary or convenient to erect, provide or endow an House for the Reception and Employment of the Idle and Poor of the said Town, they the said Town are, and hereby shall be authorized and impowered so to do; which House shall be under the Regulation of the Overseers of the Poor, to be annually chosen as aforesaid; and erected, provided for, continued or discontinued, as the said Town shall find or judge their Circumstances require: And the said Town are hereby authorized to make Purchases and receive Donations for endowing the said Work-House, to the Value of *three Thousand Pounds* per Annum; and to sue and be sued in all Affairs of said House; the several Donations to be always applied according to the Will of the Donors.

Overseers of the Poor to regulate it.

The House may be endow'd.

Overseers to appoint the Masters of the House.

And be it further enacted, That the Overseers of the Poor of the Town of *Boston*, for the Time being, shall have the Inspection, Ordering and Government of the said House, with Power of appointing a Master or Masters, and one or more Assistants for the more immediate Care and Oversight of the Persons received into or employed in said House: Which Overseers at their monthly Meetings shall have Power to make Orders and By Laws for the better and more decent regulating the said House; which Orders shall be binding till the next Town-Meeting, to which they shall exhibit them, and when approved by the said Town at a legal Meeting, shall be obligatory, until revoked by the said Town.

Impowered to make By-Laws to be approv'd by the Town.

Overseers to send idle and indigent Persons to the Work House.

And be it enacted by the Authority aforesaid, That each one of the Overseers aforesaid shall have Power to send any idle and indigent Person or Persons to the said House for Entertainment and Employment for the space of twenty-four Hours; and any two of the said Overseers shall have Power to continue or send to said House such Person or Persons, till discharged by the major Part of said Overseers at a monthly Meeting: Which Person or Persons the Master or Masters and Assistants are hereby required to receive and employ accordingly.

*And whereas there are sometimes Persons rated to the publick Taxes, who are notwithstanding unable or negligent to provide Necessaries for the Subsistence and Support of their Children:*

And to bind out the Children of such as are not rated for their Personal Estate.

Be it enacted, That the Overseers shall have the same Power of binding out into good Families, the Children of such, as where the Parents are rated nothing; provided such Persons are not rated for their personal Estate or Faculty.

*And for as much as there is great Negligence in sundry Persons as to the instructing and educating their Children, to the great Scandal of the Christian Name, and of dangerous Consequence to the rising Generation:*

And also such Children as are not taught to read.

Be it further enacted, That where Persons bring up their Children in such gross Ignorance, that they do not know, or are not able to distinguish the Alphabet or twenty-four Letters at the Age of six Years, in such Case the Overseers of the Poor are hereby impowred and directed to put or bind out into good Families,

Families, such Children, for a decent and Christian Education, as whose Parents are indigent and rated nothing to the publick Taxes: unless the Children are judged uncapable, through some inevitable Infirmity.

*And in as much as the Division of the Town of* Boston *into twelve Wards, and Assignation of each Ward to the more immediate Care of a particular Overseer, will give the aforesaid Overseers Opportunity of a more exact Knowledge of the Town, and all Intruders into it:*

Overseers of the Poor to warn Intruders out of the Town.

Be it enacted by the Authority aforesaid, That the aforesaid Overseers of the Poor in the Town of *Boston*, be and they hereby are, impowered to warn any and all Intruders, or others, who are not Inhabitants, to depart the Town; and in Case of refusal or neglect, to proceed in the same Manner, and with as full Power, as the Select-Men of said Town, by Law, may or can: And the Constables are hereby required to observe and yield ready Obedience to the Orders and Directions of the Overseers aforesaid, by Virtue and in Consequence of this Act.

## CHAP. IV.

## An Act directing how Meetings of Proprietors in Wharfes or other Real Estate besides Lands may be called.

Preamble.

*WHEREAS the Laws of this Province have impowered not only the Proprietors of common Lands, but of any other Estate or Interest to sue or be sued; but no Direction being given how a Meeting of such Proprietors may be called: And whereas by Reason of the Death or Refusal of any or the major Part of the Committee impowered to call Meetings of Proprietors in Wharfes, or other Real Estates, the said Proprietors may be under Difficulties:*

For remedying the same:

A Justice of the Peace to call a Meeting of Proprietors of Wharfes upon Application.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when and so often as five or more of the Proprietors in any Wharfes or other Real Estate or Interest whatsoever, shall judge a Proprietors Meeting necessary, and shall make Application to a Justice of the Peace within the County where such Real Estate or Interest lies, such Justice is hereby impowered to grant a Warrant for such Meeting, directed to one of the Proprietor's asking the same, requiring him to notify the Proprietors of the Meeting; and the Time and Place for the same: Which Notification shall be in writing posted up in some publick Place within the Town where such Estate lies, fourteen Days before the Time appointed for such Meeting; and such and so many of the Proprietors as shall assemble and meet together accordingly, shall have Power, by a major Vote of the Proprietors present, to chuse a Clerk to enter all Votes and Orders that shall from Time to Time be made at such Meetings; and shall be sworn to the faithful Discharge of his Office; and agree upon any other Method of calling Meetings; also to chuse a Committee for managing the Affairs of the Propriety; and also to pass all Orders and Rules for the further managing, improving and ordering such Estate or Interest as they shall agree: The Voices always to be collected according to the Interest, where the same is known; and no other Affair to be acted at such Meeting, but what is express'd in the Warrant and Notification of such Meeting.

When Suit is bro't against the Proprietors the Clerk to be served.

And be it further enacted, That when it shall happen Suit shall be brought against any Proprietors in any Real Estate besides Lands, the Plaintiff bringing forward such Suit, shall cause the Clerk of such Propriety or some principal Proprietor in such Estate, to be served with a Copy of the Writ or Summons, at least thirty Days before the Day of the sitting of the Court to which the same shall be returnable.

## CHAP. V.

## An Act in Explanation of and further Addition to the Act for making Lands and Tenements liable to the Payment of Debts.

8 *W.* ca. 3.

Preamble.

*WHEREAS some Doubt has arisen, whether the Right which the Mortgager hath in Equity to redeem such Land as he has mortgaged, may be legally taken by Capias or Attachment upon mean Process, or by Execution, for satisfying or paying the Debts of the Mortgager:*

For removing whereof:

Rights of redeeming Mortgages liable to be taken by the Creditor of the Mortgager.

**Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That such Rights in Equity of redeeming mortgaged Lands heretofore have legally been, now are, and hereafter shall be liable to be taken by Capias or Attachment upon mean Process, and by Execution upon Judgment recovered for the Payment of the just Debts of the Mortgager, and the Person at whose Suit the said Right by Equity of redeeming such Mortgaged Lands is taken in Execution, shall have the same and as full and ample Right and Power of redeeming such Lands as the Mortgager himself had or ought to have, an Acknowledgement of Satisfaction in the Margin of the Record of such Mortgages, by the Mortgagee or his Heirs, shall be as sufficient a Discharge thereof to the Creditor who hath redeemed or shall hereafter redeem the same, or to his Heirs, as it would have been to the Mortgager himself or his Heirs.

Overplus to be returned and paid to the Debtor.

*Provided*, That if the said Right shall by Apprizement in due Form of Law happen to exceed the Sum to be levied with the necessary Charges, the Overplus shall be paid by the Creditor to the Debtor, within three Months after levying the Execution or Publication of this Act.

Executions hereon to be enter'd in the Registry of Deeds.

*Provided also*, **And be it further enacted by the Authority aforesaid,** That all Executions that shall hereafter be levied on Lands or Tenements, and the Proceedings thereon, shall at the Charge of the Creditor, within three Months after such levying, be entred in the Office of the Register of Deeds for the County where such Lands lie.

Debtor allow'd a Year to redeem his Right.

**And it is further provided and enacted,** That the Debtor whose Right in Equity as aforesaid is taken by Execution as aforesaid, shall have Liberty for the space of one Year next after levying such Execution, of redeeming such his Right by paying the full Sum levyed by Execution on such Right, with lawful Interest, and all Charges arising thereon, and such other Sum or Sums as the Creditor, at whose Suit the Execution was levied, shall have paid to the Person or Persons to whom it was before mortgaged, or to the Mortgager himself.

Creditor to have a good Title to the Land.

**And it is further enacted,** That such Person or Persons (at whose Suit such Lands or Right by Equity of redeeming any mortgaged Lands, have been, are, or shall be taken by Execution as aforesaid) shall be as legally and fully intitled to the said Lands or Right of redeeming the Mortgage or Mortgages thereof, as the original Mortgager at the Time of levying the Execution was; and the said Lands or Right of redeeming the same shall be and remain to the said Creditor, and his Heirs and Assigns for ever, unless redeemed by the Mortgager within one Year as aforesaid.

# An Act,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and held at *Boſton* upon Wedneſday the twenty eighth Day of *May* 1735. And continued by Adjournments to Wedneſday the nineteenth Day of *November* following. Preamble.

## CHAP. I.

## An Act to impower the Collectors of Taxes to require Aid.

4 G. 2. ca. 1.

WHEREAS *the Collectors of the Rates and Taxes oft-times labour under Difficulty in collecting from diverſe Perſons the Sums aſſeſſed on them, and ſometimes are prevented ever collecting the ſame, for that the Law doth not impower the Collectors to require and take Aid to aſſiſt them in diſtreining for the Rates committed to them to collect, and apprehending Perſons who refuſe to pay the ſame; which is to the publick Damage:* Collectors of Taxes impowered to demand Aid.

For Remedy whereof:

Be it enacted by His Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That if any of the Collectors of the Province, County, Town and Precinct Rates and Taxes, when in the Execution of their Office, ſhall be hindred and impeded in collecting the Rates and Taxes committed to them, it ſhall be lawful for ſuch Collectors, if Need be, to require ſome meet Perſon or Perſons to aid and aſſiſt them therein. And that all Perſons ſo required that ſhall refuſe their Aid and Aſſiſtance, and ſhall be convict thereof, before one or more of His Majeſty's Juſtices of the Peace in the County where the Offence is committed, ſhall pay a Fine to be diſpoſed of to the Uſe of the Poor of the Town where the Offence may ariſe, not exceeding *forty Shillings*, at the Diſcretion of the Juſtice or Juſtices according to the Circumſtances of the Offence; provided that it appear to the ſaid Juſtice or Juſtices that the Aid ſo demanded as aforeſaid was neceſſary. Penalty for refuſing to give Aid.

And if the Perſon ſo convict will not pay his Fine, the Juſtice or Juſtices may upon refuſal thereof, order ſuch Perſon to the common Goal of the County, there to remain a cloſe Priſoner for the ſpace of forty-eight Hours, or order him to be ſet in the Stocks for the ſpace of two Hours.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England* Begun and held at *Boſton* upon Wedneſday the twenty-ſixth Day of *May*, 1736. And continued by ſeveral Prorogations unto Wedneſday the twenty-fourth of *November* following.

## CHAP. I.

## An Act for making more effectual Proviſion for the Service of Original Summons upon mean Proceſs.

WHEREAS *in and by an Act made and paſſed in the thirteenth Year of the Reign of His Majeſty King* William *the third, it is provided,* "That original Proceſs may be by Summons, Capias or Attachment", *and ſome Diſputes have ariſen with Reſpect to the Manner of ſerving ſuch Summons, which hath been attended with many Inconveniencies:* Preamble.

For Remedy whereof:

Be it enacted by His Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That the Service of an original Summons upon any Perſon, either in his private Capacity, or in the Capacity of Executor or Adminiſtrator, or any other Qualification whatſoever, ſhall be as good and valid in Law, to all Intents and Purpoſes whatſoever, by an atteſted Copy of ſuch Summons being left by the Officer Copy of an original Summons left at the Defendant's Houſe to be a ſufficient Service.

at the House or usual Place of Abode of the Defendant, at least fourteen Days before the sitting of the Court, as if he had been served therewith in his own Person.

Proviso. *Provided*, That if the Defendant against whom such Suit is brought, be out of the Province at the Time of such Service, he shall have the same Benefit as to a Continuance of the Action, as is by Law provided in Suits where Goods and other Estate is attached.

## CHAP. II.

5 *W.* & *M.* ca. 8.

## An Act in Addition to an Act Intituled *An Act for High-Ways.*

Preamble. *WHEREAS in and by an Act Intituled*, An Act in Addition to an Act Intituled, An Act for High-Ways, *made and passed in the first Year of the Reign of His present Majesty*, It is enacted, "*That no private Way or Ways laid out by the Select-Men of a Town shall be esteemed private Ways for such Town, nor committed to Record, unless such Town at their annual Meeting in* March, *shall by a major Vote allow and approve thereof:*" *But no Provision is made for applying for Remedy to the Justices of the General Sessions of the Peace when any Town unreasonably refuses to allow and approve of any private Way laid out as aforesaid and to put the same on Record; which may be very detrimental to particular Persons desiring the same:*

For Remedy whereof:

Persons aggrieved by any Towns refusing to allow a private Way, may apply to the General Sessions for Relief.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when any Town shall unreasonably refuse or delay to allow and approve of any private Way laid out by the Select-Men, and to put the same on Record, that then and in such Cases any Person or Persons who think themselves aggrieved hereat, may have Liberty to make their Application to the Court of General Sessions of the Peace held for that County in which the Way lies (provided it be within twelve Months from the Refusal or Delay of said Town) who are hereby authorized and impowred by a Committee of disinterested Persons whom they shall appoint, to lay out, or cause to be laid out, such particular or private Ways within or for such Town as may be petitioned for as aforesaid, so as no Damage be done to any particular Person in his Land or Propriety, without due Recompence to be made, either by the Town if it be of general Benefit, or otherwise by such of the Inhabitants as have the Benefit thereof, and desire the same, as shall be adjudged and ordered by the Justices in their Sessions as aforesaid; and said Court are hereby authorized and impowred to inquire into the Damages by a Jury, to be summoned for that Purpose by the Sheriff or Coroner, as the Case may require, and shall make up Judgment with Respect to the Damages according to the Verdict of that Jury, which Judgment shall be final.

## CHAP. III.

13 *W.* ca. 10.

## An Act in further Addition to an Act directing the Admission of Town Inhabitants, made and passed in the thirteenth Year of the Reign of King *William* the Third.

No Strangers to be entertained in a Town above twenty Days, without giving Notice to the Select-men, &c.

BE it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Inhabitants of the several Towns within this Province, who shall receive admit and entertain any Person or Persons not being Inhabitants of such Towns, either as Inmates, Boarders or Tenants in the House where such Person dwells, or in any other House of his whatsoever, within this Province,

Province, or under any other Qualifications for more than the ſpace of twenty Days, and ſhall not in writing under their Hands, give an Account to one or more of the Select-Men or the Town Clerk of ſuch Town, of all ſuch Perſon or Perſons ſo received, admitted or entertained by them, with the Time they firſt received them, and the Place from whence they laſt came, together with their Circumſtances as far as they can, ſhall for every ſuch Neglect, forfeit and pay the Sum of *forty Shillings*, to be recovered by Bill, Plaint or Information, before any Juſtice of the Peace, or in any of His Majeſty's Courts of Record within this Province; the one Half of the ſaid Fine to be employed to and for the Uſe of the Poor of the Town where ſuch Offence ſhall be committed, the other Half to him or them that ſhall inform and ſue for the ſame; and they ſhall be liable to anſwer all Charges that may ariſe in the ſaid Town, by receiving and entertaining ſuch Perſon or Perſons as aforeſaid, to be recovered by the Town Treaſurer, or Select-Men where no Town Treaſurer is appointed, who are hereby reſpectively impowered to bring an Action accordingly. Penalty.

And be it further enacted by the Authority aforeſaid, That all Coſt and Charges ariſing by warning any ſuch Perſons as are not Inhabitants out of Town, entring the Caution, or carrying them out of Town, ſhall be defreyed and paid by thoſe who received and entertained ſuch Perſon or Perſons in their Houſes as aforeſaid and ſhall be recovered by the Town Treaſurer, or Select-Men, where no Treaſurer is appointed, who are hereby reſpectively impowered to bring an Action accordingly. Charge of warning Perſons how to be paid.

And the Town Treaſurer or Select-Men of the reſpective Towns in this Province, are hereby directed and ordered, before they bring their Action, to exhibit to ſuch who receive and entertain any Perſon or Perſons in their Houſes as aforeſaid, an Account of the Charge ariſing thereby; and upon refuſing to pay the ſame within five Days, they ſhall be liable to pay ſaid Charge, and be deprived of any Benefit by their Notification, tho' given within the twenty Days as aforeſaid. Account of Charge to be exhibited by the Town-Treaſurer or Select-Men.

## CHAP. IV.

## An Act for the more effectual preventing and puniſhing of Theft.

4 *W. & M.* ca. 6.

WHEREAS *the Puniſhments already provided by Law againſt ſtealing, have proved ineffectual, and even thoſe that have ſuffered the Penalty in ſuch Caſes, have been ſo bold and hardy as to perpetrate their Wickedneſs a* ſecond *and even a* third *Time*: Preamble.

For the more effectual preventing whereof;

Be it enacted by his Excellency the Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That from and after the firſt Day of *May* next, if any Perſon who ſtands convict upon Record, either before a Juſtice of the Peace, or in any Court of General Seſſions of the Peace within this Province for ſtealing, ſhall after that preſume to ſteal any Money, Goods or Chattels, to the Value of *forty Shillings* lawful Money, and be thereof convict by due Courſe of Law, before the Court of Aſſize and General Goal Delivery, holden within any of the Counties of this Province, he or they for ſuch Offence, ſhall, beſides paying treble the Value of ſuch Money, Goods or Chattels ſo ſtolen, to the Party injured, together with Coſt and Charges of Proſecution, be ſet upon the Gallows for the ſpace of one Hour, with a Rope about his Neck, and one End thereof caſt over the Gallows, and be ſeverely whipt, not exceeding thirty Stripes. Second Theft to be puniſhed by ſitting on the Gallows & whipping.

And be it further enacted by the Authority aforeſaid, That if any Perſon convicted of a ſecond Theft, in Manner as aforeſaid, ſhall preſume a third Time to ſteal any Money, Goods or Chattels, to the value of *three Pounds* lawful Money, and be thereof convict by due Courſe of Law, he ſhall be adjudged to ſuffer the Pains of Death, without Benefit of Clergy. Third Theft to be puniſh'd with Death.

CHAP.

## CHAP. V.

## An Act for the better Regulating of the Service of Executions, as well by Sheriffs as Coroners, more especially in the remote Counties of the Province.

Preamble.

*WHEREAS the Superiour Court of Judicature, Court of Assize and General Goal Delivery, sits but once in the Year, in many of the Counties of this Province, so that Executions upon Judgments obtained in those Counties (at the Superiour Court) are returnable but once a Year, whereby the Creditor is or may be kept for a long Time out of his just Debt, while in the other Counties of the Province the Writs are returnable every six Months:*

Executions to be returnable in six Months.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That from and after the Publication of this Act, the Clerks of the Superiour Court of Judicature, Court of Assize and General Goal Delivery, are hereby authorized and directed to make all Executions on Judgments obtained at the said Courts in such Counties where the said Court sit but once in the Year, returnable into the Clerk's Office, at the End of six Months from the Date thereof; and the Clerks of said Courts are further authorized upon the return of such Execution, to renew or make out an alias Execution for the whole, or the remainder, as the Case may be returnable, at the next Superiour Court, to be held in and for such County.

Alias Executions then to be made out in Case.

*And whereas it has been thought warrantable for the Sheriff or Coroner that have, by Virtue of Executions to them committed, after they have taken the Whole or Part of the Debt, to detain the same from the Creditor until the Return of the Execution:*

For Remedy whereof:

Be it further enacted by the Authority aforesaid, That when and so often as any Sheriff or Coroner shall have levied or taken the Whole or Part of the Debt, by Virtue of the Execution, he shall within twelve Hours after the Receipt of said Money, deliver the same to the Plaintiff, Creditor, or any Person authorized by him, upon Demand being made thereof in the Town where the Officer dwells: And in Case the Demand is made in another Town in said County, then he shall be allowed forty eight Hours to pay the same: And upon his Neglect or Refusal as aforesaid, shall forfeit to the Creditor, treble the lawful Interest of the Sum so taken and detained by the Sheriff or Coroner, being convicted thereof, before the Court where the Writ of Execution is returnable.

Money levied by Execution not to be detained in the Officers Hands

Penalty for detaining it when demanded.

---

## CHAP. VI.

12 *W.* ca. 6.

## An Act obliging the Coroners within the several Counties of this Province to give Security for the due Performance of their Office.

Preamble.

*WHEREAS by Virtue of several Acts or Laws of this Province, the Coroners of the Counties are enabled in some Cases to serve and execute Writs in Civil Actions, as well original as judicial, but are not obliged to give Bond for the faithful Discharge of that Trust; whereby the Creditor or Plaintiff in such Process may be in Danger of suffering Damage:*

Coroners to give Bond before they serve Writs.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That from and after the twenty-fifth Day of *March*, which will be in the Year of Our Lord One Thousand seven Hundred and thirty seven, no Coroner shall have Authority to serve any Process or Writ, original or judicial,

judicial, tho' to him directed, until such Time as such Coroner shall have given sufficient Security, for his faithful Behaviour, in the serving and executing all such Writs as aforesaid, as shall be committed to him, pursuant to the Laws of this Province, to the Satisfaction of the General Sessions of the Peace in the County where such Coroner lives; the Bond to be made payable to the Treasurer of such County, for the Use and Benefit of the Person or Persons that may be injured by the Failure of the Coroner in that Behalf.

Coroners answerable for their Deputies. 12 G. ca. 4.

And be it further enacted by the Authority aforesaid, That the several Coroners within this Province shall be answerable in the Law for their respective Deputies, in the same Manner that the Sheriffs within this Province are answerable by Law for their respective Under-Sheriffs and Deputies, with Respect to the due Execution of their Office.

# Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston* upon Wednesday the twenty-fifth Day of *May*, 1737. And continued by Prorogation and Adjournments unto Wednesday the thirtieth Day of *November* following.

## CHAP. I.

## An Act in Addition to an Act Intituled, An Act directing how Rates and Taxes, to be granted by the General Assembly, as also County, Town and Precinct Rates shall be assessed and collected.

4 G. 2. ca. 1.

Preamble.

*WHEREAS in and by an Act made and pass'd by the Great and General Assembly, in the fourth Year of His Majesty's Reign, it was provided,* "That when and so often as the Treasurer of the "Province shall send out his Warrant of Distress against any defective Constables, "Sheriff or Under-Sheriff, the Officer executing the same, shall destrain and "levy the Lands or Tenements of said defective Constable, Sheriff or his De- "puty for their or any of their Defaults, in not collecting or not paying into "the Treasury, any Sum or Sums of Money, which ought to be by them col- "lected, levied and paid in as aforesaid, and cause due Apprizement to be made "of any Houses or Lands so levied, by the Oath of two or three Freeholders "in the same County, (which Oath any Justice of the Peace is hereby impowred "to administer) and after Apprizement to make Sale of such Houses and Lands, "and give good and lawful Deed or Deeds for the same;" *which Apprizement and Sale, not being sufficient to secure the Province, County or Towns where such Lands or Tenements lie:*

For Remedy whereof:

Houses and Lands of defective Constables, &c. taken on Execution to be sold.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when and so often as any Warrant of Distress shall be sent forth by the Treasurer of the Province, or Treasurer of any County, Town or Precinct, to the Sheriff or his Deputy, or to the Coroner, to levy the Lands or Tenements of any defective Constable, Sheriff or Deputy, in such Case it shall be lawful for the Officer executing such Warrant of Distress, upon Apprizement made as aforesaid, to make Sale of such Houses and Lands to the highest Bidder, and give good and lawful Deed or Deeds for the same; having first given publick Notice of Time and Place of Sale at least thirty Days in the Town where such Lands or Tenements lie, as also in the two adjacent Towns: And in Case the Produce of such Houses or Lands shall not satisfy the Sum or Sums mentioned in

And if not sufficient the Body of such Constable, &c. to be taken.

in said Warrant or Warrants of Distress, together with reasonable Charges arising thereon, then the Treasurer sending forth such Warrant, shall issue an alias Execution or Warrant for such remaining Sum or Sums; and the Officer executing the same, for want of Estate, shall take the Body of such defective Constable, Sheriff or Deputy, and him commit unto his Majesty's Goal in the County whereto he belongs, until he shall pay the same.

## CHAP. II.

12 G. 2 ca. 1.

### An Act to enable the Proprietors of the several Townships lately granted by the General Court to raise Moneys for defraying the Charges of setling the same.

Preamble.

*WHEREAS the Proprietors or present Possessors of several Townships granted by this Court, have passed Votes for the raising several Sums of Money upon their Rights or Lots, to defray the necessary Charges of bringing forward the Settlement of the said Townships; which Votes have not been complied with by the several Proprietors, nor is there any Method as yet prescribed to render the said Votes effectual, or other Votes which the Proprietors may hereafter make:*

Lands of delinquent Grantees in the new Townships to be sold, in Case.

**Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That when any Person or Grantee of such new Plantation or Township already granted by this Court where the Condition of the Grant is not fulfilled, shall neglect or delay to pay the Treasurer or Committee of such Township such Sum or Sums of Money, as shall be from Time to Time voted to be raised on their Lands or Rights, for thirty Days after such Rate or Tax is made and published in the Shire Town of the County where such Lands lie, and in the Town where the Clerk of such Proprietors shall live, as also in such other Town or Towns as have heretofore been, or as the said Proprietors shall appoint, for the notifying of Meetings; and in thirty Days after, the Grantee or his Assigns may be notified thereof by advertising the same in one or more of the News-Letters; that then the Committee chosen by such new Plantation or Township, or the major Part of them, may and hereby are fully impowered at a publick Vendue (Notice thereof in the publick Prints as aforesaid being given) to sell such delinquent Proprietors Lots and after Rights in said Townships, to such Person or Persons as may appear to give most for the same, and will give Bond to the Committee, or other Person appointed by the General Court to take Bond for the Performance of the Conditions of the original Grant, and the original Grantee shall have his former Bond given up and delivered him if he desire the same; the Money arising on such Sale to be applied for the defreying such delinquent Proprietors Rate or Tax; and the Overplus, if any there be (after all Charges arising about the same are subducted) shall be paid, the one Half to the Treasurer of said Township for the general Use and Service of the said Township, and the Residue to the said delinquent Proprietor, his Heirs or Assigns.

Disposition of the Produce of such Sale.

Proviso.

*Provided always,* That if such Proprietors are not Inhabitants of this Province, that then there be reserved to them, their Heirs or Assigns, a Liberty of Redemption of such Rights, they paying the Purchaser or Grantee, or their respective Heirs, within six Months, such Sum as the Lands sold for, with the Costs arisen by Improvement made thereon, and double Interest, until the same be redeemed.

Proviso.

*Provided also,* That where any Grantee has brought forward a Settlement, and is in the actual Possession of his Right, that then and in such Case so much only, and no more, of his Right shall be sold as may be sufficient to defray such Proprietors Rate, and the Charges arising on the Sale.

# Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and held at *Boston*, upon Wednesday the thirty-first Day of *May*, 1738. And continued by Prorogations unto Wednesday the twenty-ninth Day of *November* following.

## CHAP. I.

## An Act in Addition to an Act made in the eleventh Year of His Majesty's Reign, Intituled *An Act to enable the Proprietors of the several Townships lately granted by the General Court, to raise Moneys for defreying the Charges of setling the same.*

11 G. 2 ca. 2.

*WHEREAS in and by said Act Provision is only made for the enforcing the Payment of such Sum or Sums of Money as shall be from Time to Time hereafter voted to be raised, which not being sufficient to answer or effect the End proposed:* Preamble.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when any Grantee or Proprietor of such new Plantation or Township, which is already or that shall hereafter be granted, where the Conditions of the Grant are not fulfilled, shall neglect or delay to pay unto the Treasurer or Committee of such Township, such Sum or Sums of Money as by the Proprietors thereof have heretofore been voted to be raised, as well as those that hereafter shall be voted to be raised upon their Lands or Rights, for thirty Days after such Rate or Tax is made or published as in and by said Act is directed, and the Sale be notified in the *Boston Gazette* twenty Days before the same be made: The Committee chosen by such new Plantation or Township, or the major Part thereof, are hereby fully impowred to proceed in the Sale of such delinquent Proprietors Lands, as in and by said Act is already made and provided.

Lands of delinquent Proprietors in the new Towns to be sold for paying Taxes.

## CHAP. II.

## An Act for the more effectual obliging of Executors to Inventory the Estate of their Testators.

2 *A.* ca. 5.

*WHEREAS notwithstanding the Provision by Law heretofore made, Executors many Times refuse to Inventory the Estate of their Testators, to the great Disadvantage and Injury of the Creditors and Legatees of the Deceased:* Preamble.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That every Executor that hath or shall take that Charge upon him, and against the Tenor of the Law in that Case provided, shall hereafter neglect to give in a full and true Inventory of the whole Estate of the Deceased, so far as is then come to his Hands or Knowledge, being duly served with a Citation from the Judge of the Probate for that Purpose, shall stand chargeable with all the Debts and Legacies of his Testator, as his own proper Debts; and over and above the Penalty already provided, shall forfeit the Sum of *One Hundred Pounds* a Month, for every Month's Neglect thereof; to be recovered by any uncertain or residuary Legatee of the said Testator, by Action of Debt, Bill, Plaint or Information in any Court of Record, and to be equally divided between the said uncertain and residuary Legatees, excluding such Executor from any Part thereof.

Executors to give in an Inventory.

Penalty of £100 for each Months Neglect.

## CHAP. III.

### An Act in further Addition to an Act, Intituled *An Act for the due Regulation of Weights and Measures*, made in the fourth Year of their late Majesties King *William* and Queen *Mary*.

4 *W.* & *M.* ca. 14.

Towns to be furnished with Wine Measures.

BE it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority aforesaid, That each Town within this Province shall within six Months next after the Publication of this Act, be further provided with one Wine Gallon and one Wine Quart, to be kept and used only as Standards in such Towns.

Sandards of Weights and Measures to be tried anew.

And the Select-Men of every such Town, whose Standards of Beams, Weights and Measures have not within three Years last past been tried and proved by the Province Sandards, shall on or before the first Day of *June* next, send all the Beams, Weights and Measures, which such Town is, either by this or any other former Act, obliged to keep as Standards, into the Province Treasury, and there have them tried, proved and sealed as the Law directs, on Penalty of forfeiting the Sum of *fifty Pounds*; one Moiety to his Majesty towards the Support of the Government within this Province, and the other Half to him or them who shall inform and sue for the same. And every Town shall once in every five Years have their Standards tried and proved by the publick Standards, on Penalty of forfeiting the like Sum of *fifty Pounds* for the Uses aforementioned, The Forfeitures and Penalties aforementioned to be recovered by Action, Bill, Plaint or Information, in any of His Majesty's Courts of Record within this Province, or by Presentment of the Grand Jury, who are required to present all Breaches of this Act.

Penalty.

Proviso for County Standards.

*Provided always*, That in Case the Justices of the Peace at their Sessions in either of the Counties within this Province, shall at the Charge of such County procure for Standards, a Beam and all such Weights and Measures, as are directed by Law to be kept in the Province Treasury, and shall once every five Years try and prove them by the Province Standards, any Town may have their Standards tried and proved by the Standards of the County wherein such Towns lie, and it shall be accounted as sufficient and valid as if tried and proved by the Province Standards. The said Standards to be kept by the County Treasurer who shall have the same Fee for proving and sealing Weights and Measures as is by Law allowed to the Province Treasurer.

Town Sealers to issue out their Warrants for bringing Weights and Measures to be sealed.

And be it enacted by the Authority aforesaid, That the Sealer duly appointed in each Town within this Province from Time to Time, is hereby directed and impowered, instead of sending out his Warrant in the Month of *April*, to send forth his Warrant sometime in the Month of *May* annually to the Constable or Constables, requiring him or them to warn all the Inhabitants of such Towns, to bring in both the great and small Beams, Weights and Measures, which they make use of, at such Time and Place as he shall appoint. And such Constables are hereby obliged within six Days, after having received such Warrant, to warn all the Inhabitants, and return to the Sealers a List of all Persons so summoned.

Penalty for Sealers or Constables Neglect.

And each Sealer and Constable neglecting his Duty herein, shall for each Neglect forfeit and pay the Sum of *forty Shillings*, to be levied by Distress by Warrant from any Justice of the Peace of the County where the Offence is committed.

Penalty for not bringing in Weights & Measures to be sealed.

And be it further enacted by the Authority aforesaid, That if any Person shall refuse or neglect to bring or send in his Beams, Weights and Measures to the Sealers, in order to be tried and proved by the Town Standard, for the space of seven Days next after legal Warning has been given such Person for that Purpose, every Person so offending shall forfeit and pay the Sum of *forty Shillings*; one Moiety thereof to the Poor of the Town where such Offence

shall

ſhall be committed, and the other Moiety to the Sealer, who is hereby obliged to inform and ſue for the ſame; to be heard and determined by one or more of His Majeſty's Juſtices of the Peace of the County where the Offence ſhall be committed.

*And whereas it hath been found that the Fees already allowed by Law to the Sealers of Weights and Meaſures are inſufficient:*

Additional Fees to the Sealer.

**Be it enacted by the Authority aforeſaid**, That every Sealer ſhall be paid by the Owners of all ſuch Beams, Weights, Scales and Meaſures as ſhall be by ſaid Sealer found not conformable to the Town Standard *one Penny* over and above what is already allowed by Law, for each Beam, Weight and Meaſure, and alſo *one Penny* for every Beam, Weight and Meaſure which ſhall be found conformable to the Town Standard upon his trying and proving them.

Fine for expoſing to Sale Weights Beams and Meaſures not ſealed.

**And be it further enacted by the Authority aforeſaid**, That if any Perſons ſhall, after the Publication of this Act, ſell or expoſe to Sale any other Beams, Weights or Meaſures, than ſuch as have been tried, proved and Sealed according to Law, ſhall forfeit and pay the Sum of *forty Shillings* for each Offence, for the Uſes as laſt before mentioned, and to be heard and determined by one or more of His Majeſty's Juſtices of the Peace.

Acts about Weights and Meaſures to be read in the *March* Meetings.

**And it is hereby further ordered and declared**, That the ſeveral Acts for regulating Weights and Meaſures, be publickly read in each Town at their anniverſary Meeting in *March*, from Time to Time.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*; Begun and held at *Boſton*, upon Wedneſday the thirtieth Day of *May*, 1739. and continued by Prorogations to Wedneſday the fifth Day of *December* following.

## CHAP. I.

## An Act in Explanation of ſundry Acts heretofore made, referring to the Admiſſion of Town Inhabitants.

13 *W.* ca. 10.

Preamble.

*NOtwithſtanding the Proviſion made by the Act paſs'd in the twelfth and thirteenth Years of King* William *the third*, (*Intituled*, An Act directing the Admiſſion of Town Inhabitants) " That no Town ſhall be obliged to be at Charge for the Support of any Perſon reſiding there, unleſs ſuch Perſon have continued in ſuch Town (without being warned to depart thence) by the ſpace of twelve Months, or elſe have obtained the Approbation of the Town, or the Select-Men thereof for his dwelling there: *Yet inaſmuch as it is not expreſly declared in what Way and Manner ſuch Approbation ſhall be given, ſome Doubt hath thereupon ariſen, whether the Select-Men or Aſſeſſors in any Town, their rating or aſſeſſing any Perſon reſiding there, to Town Charges, and the Inhabitants reaping the Benefit of his Rate, ought not (within the Meaning of the ſaid Act) to have the Force of an Approbation for ſuch Perſons dwelling there, ſo far as to ſubject ſuch Town to the Charge of his Support in Caſe he ſtands in Need; by Means whereof ſundry Diſputes and expenſive Law-Suits have ariſen and may ariſe, unleſs prevented by this Court:*

When Perſons to be eſteemed Inhabitants of any Town.

**Be it therefore enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame**, That no Town ſhall be obliged to be at Charge for the Support of any Perſon reſident in ſuch Town that hath not continued there ſo long as to become an Inhabitant, unleſs he have obtained the Approbation of the

Town (at a Meeting of the Inhabitants regularly assembled) or the Approbation of the Select-Men (at their Meeting) for his dwelling there; such Approbation of the Select-Men to be given in writing under their Hands or under the Hands of the major Part of them: And no Act of the Select Men or Assessors in rating or assessing any such Person unto any Charges whatsoever, shall subject such Town to any Expences for his Support.

Their being rated not to make them so.

*And whereas upon the first Paragraph in the Act made in the fourth and fifth Years of his present Majesty's Reign, and likewise that made in the tenth Year of the same Reign, directing the Admission of Town Inhabitants, which relates to the Charges which the Inhabitants of any Town shall be liable to answer, who shall admit and entertain any Person (not being an Inhabitant of such Town) in his House as Tenant or otherwise, for more than twenty Days, and shall not in writing give such Account to one of the Select-Men or Town Clerk of such Town, as in said Act is prescribed; a Doubt hath arisen whether the Words* [all Charges] *are to be construed to extend to the Charges of supporting the Persons so received and entertained, which may arise after he shall have continued in such Town so long as to become an Inhabitant:*

Preamble.

**Be it therefore declared and enacted by the Authority aforesaid,** That the Words [*all Charges*] in the said Paragraph do extend to and include the Charge of supporting the Person so received and entertained after he shall have continued his Residence in such Town so long as to become an Inhabitant; and that such Charges may be recovered at any Time after they have arisen, although the Term limited for the Continuance of the said Act or Acts may (at the Time of bringing the Suit) be expired.

**And it is hereby further declared and enacted by the Authority aforesaid,** That no Forbearance of the Select-men to warn the Person received and entertained as aforesaid to depart the Town, shall free the Inhabitant of such Town by whom he was admitted and entertained from the Charge aforesaid, who shall violate the said Act by neglecting to give Account or Notice in Manner as is therein directed. And each Person offending (in Violation of said Act) shall be liable to answer the whole of the Charge incurred for the Relief of the Person by him admitted and entertained as aforesaid; and all such Charges are and ought to be understood and accounted to have arisen and accrued to the Town by Reason only of such his Mis-deed and Neglect; any others in like Manner offending notwithstanding.

Forbearance of the Select-Men to warn Persons out of Town, not to excuse those that entertain them.

And that the several Acts aforesaid, are and were intended as herein explained, and ought always so to be understood and put in Execution.

## CHAP. II.

## An Act in Addition to an Act Intituled, *An Act in further Addition to the several Acts or Laws of this Province relating to the Office and Duty of a Coroner.*

12 *W.* ca. 6.

*WHEREAS some of the Coroners within this Province have of late greatly multiplied their Deputies, and under Colour of such Deputation Persons have pretended to be exempted from Duties and Services whereto by Law they are liable:*

Preamble.

**Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That from and after the first Day of *March* next, no Coroner shall have Power to appoint a Deputy otherwise than for a particular necessary Occasion, and after such Deputy's Service therein his Power shall cease; and that all Deputy Coroners that may have received a general Deputation before the said first Day of *March*, their Deputation shall be of no Force or Virtue after the said Term, but shall then cease and be determined, and no Person under Pretence of any such Deputation, shall be excused from any Duties or Services whatsoever which he may by Law be otherwise obliged or liable to.

Coroners not to appoint Deputies but for particular Occasions.

No Coroners Deputies to be excused from Duties.

CHAP.

## CHAP. III.

## An Act for Limitation of Actions and for avoiding Suits in Law where the Matter is of long ſtanding.

22 G. 2. ca. 3. 25 G. 2. ca. 1. 27 G. 2 ca. 6.

Preamble.

*WHEREAS it is highly reaſonable, and conduces much to the Peace and Welfare of the Subject that a certain and reaſonable Time ſhould be ſet for the proſecuting of Actions:*

Time limited for bringing Actions.

Be it therefore enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That the ſeveral Actions hereafter mentioned, which ſhall be brought at any Time after the End of this preſent Seſſion of the General Court, ſhall be commenced within the Time and Limitation hereafter expreſſed: *That is to ſay*, Actions of Treſpaſs upon Lands, or *Quare Clauſum fregit*, within five Years next after the Cauſe of ſuch Actions or Suits, and not afterwards; all Actions for Arreages of Rent, or grounded upon any Lending or Contract without Specialty; all Actions upon the *Quantum meruit*, or for Service within the ſpace of four Years next after the Cauſe of ſuch Actions or Suits, and not afterwards; all Actions of Treſpaſs, of Aſſault, Menace, Battery, Wounding or Impriſonment; all Actions for malicious Proſecution within two Years next after the Cauſe of ſuch Actions or Suits, and not afterwards; and all Actions of Detinue, Deceipt, Trover, Treſpaſs and Repleven for taking away Goods and Chattels, within the Term of three Years, and not afterwards; and all Actions of Slander, or for Words within one Year next after the Words ſpoken, and not afterwards.

Actions where the Cauſe ariſes before the Publication of this Act when to be bro't.

*Provided however*, That each and every of the Actions before mentioned, the Cauſe whereof hath ariſen before the Publication of this Act, may be commenced in the like Term of Time from the Publication hereof, as herein before is ſet and limitted, for bringing ſuch Action or Actions reſpectively from and after the Cauſe thereof.

Regulation of the Coſts in ſeveral Kinds of Actions.

And be it further enacted by the Authority aforeſaid, That in all Actions of the Caſe for ſlanderous Words; all Actions of Aſſault and Battery; all Actions for falſe Impriſonment; and all Actions for malicious Proſecution to be ſued or proſecuted in any of the Courts of Record within this Province, if the Jury upon the Trial of the Iſſue in ſuch Action do find or allow the Damage under *forty Shillings*, the Plaintiff or Plaintiffs in ſuch Actions ſhall have and recover only ſo much Coſts as the Damage ſo given amount unto, without any further increaſe of the ſame.

Proviſo referring to Infants, &c.

*Provided always*, And be it further enacted, That this Act ſhall not be underſtood to bar any Infant *Feme Covert*, Perſon impriſoned, beyond the Seas, or *non compos mentis*, from bringing either of the Actions before mentioned within the Term before ſet and limitted for bringing ſuch Action, reckoning from the Time that ſuch Impediment ſhall be removed.

---

# An Act,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*; Begun and held at *Boſton*, upon Wedneſday the twenty-eighth Day of *May* 1740. And continued by Prorogation unto Wedneſday the twentieth Day of *Auguſt* following.

## CHAP. I.

## An Act to prevent Strip and Waſte on Lands, while Suits are depending in the Law for the ſame.

Preamble.

*WHEREAS it often happens that Perſons are in Poſſeſſion of Lands to which they have no Title, and the Owners or Proprietors thereof, are obliged to bring their Writ of Ejectment to recover their Title*

*Title and Poſſeſſion of ſuch Land, and the Tenants in Poſſeſſion, or ſome others under them, after ſuch Writs are brought, and before final Judgment and Poſſeſſion is had, make great Strip and Waſte to the great Prejudice of the legal Owners and Proprietors, &c.*

For Prevention whereof for the future :

No Trees or Poles to be cut down on any Land in Suit.

Be it enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That from and after the Publication of this Act, if any Perſon or Perſons ſhall bring toward and proſecute any Writ of Ejectment for the recovery of the Poſſeſſion of any Lands and real Eſtate which ſhall be unjuſtly withheld from him or them by any Perſon, and ſuch Perſon in Poſſeſſion, or any other Perſons whatſoever, during the Time ſuch Writs or Suits are depending in the Law, ſhall preſume to make Strip or Waſte by cutting, felling or deſtroying the Wood, Timber, Trees or Poles ſtanding or growing on ſuch Land ſued for, ſhall for every ſuch Offence, forfeit and pay to the Party aggrieved *twenty Shillings* for every Tree of one Foot Diameter, over and above the true Value thereof; and for every Tree or Pole under that Dimenſion cut, felled or deſtroyed as aforeſaid, *twenty Shillings* ; to be recovered by Action, Bill, Plaint or Information in any Court of Record proper to try the ſame, after the Plaintiff or Defendant has recovered his Title and Poſſeſſion of ſuch Eſtate ſued for.

Penalty.

## An Act,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and Held at *Boſton*, upon Wedneſday the twenty-eighth Day of *May*, 1740. And continued by ſeveral Prorogations unto Wedneſday the twenty-ſixth Day of *March* following.

### CHAP. II.

4 *W. & M.* ca. 9.

### An Act in Addition to the ſeveral Acts heretofore made relating to common Nuſances.

Preamble.

*FOR preventing of Deſolation by Fire that may happen by erecting of Potters Kilns and Houſes near to dwelling Houſes and other Buildings; and the Inconvenience and Miſchief that may accrue to the Neighbourhood by the offenſive and unwholſome Smoak and Stench proceeding from the Kilns, when on Fire :*

Potters Kilns not to be ſet up in Market or Sea-Port Towns without Licence.

Be it enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That if at any Time after the Publication of this Act, any Perſon or Perſons ſhall preſume to erect or ſet up any Potters Kiln or Kiln-Houſe in any Place within either of the Sea-Port or Market-Towns in this Province, other than ſuch Place as heretofore has been uſed for that Purpoſe, or as the Select-Men of ſuch Town, with two or more of the next Juſtices of the Peace ſhall aſſign or approve of as moſt ſafe and convenient, and leaſt offenſive to the Neighbourhood ; every Perſon and Perſons ſo offending, and being thereof duly convicted before the Court of General Seſſions of the Peace, in ſuch County, ſhall forfeit and pay the Sum of *thirty Pounds*, one third Part of the ſaid Forfeiture to be to the Uſe of His Majeſty for the Support of this Government, one third Part to the Poor of the Town where ſuch Offence ſhall be committed, and the other Third to him or them who ſhall inform and ſue for the ſame ; and the Offender or Offenders ſo convict ſhall likewiſe enter into Recognizance to take down ſuch Kiln Houſe, and in Default of entring into Recognizance as aforeſaid, ſhall be committed to Priſon, until he do cauſe the ſame to be taken down, or otherwiſe ſuch Kiln-Houſe ſhall be taken down by Order of the ſaid Court ; and the Charge thereof be levied by Diſtreſs and Sale of ſuch Offenders Goods, returning the Overplus if any be.

Penalty.

CHAP.

# Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston* upon Wednesday the eighth Day of *July*, 1741.

## CHAP. I.

## An Act to enable Proprietors in common and undivided Lands to chuse Treasurers for their respective Proprieties as Occasion may require.

BE it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That it shall and may be lawful for the Proprietors of any common and undivided Lands or the major Part in Interest of them that are present at any of their lawful Meetings, whenever Occasion shall require, to chuse some suitable Person for their Treasurer, who shall be sworn before a Justice of the Peace to the faithful Discharge of his Trust; and such Treasurer is hereby impowered to demand, sue for, recover and receive all such Sums of Money, Debts and Dues, as shall at any Time belong to the said Proprietors, or be any Ways due or coming to them, and make Payment thereof again to such Persons, and for such Uses as he shall be lawfully ordered and directed from the Proprietors; and of all this render his reasonable Account on Demand; and such Treasurer shall continue in his Office till the Proprietors shall see Cause to chuse another.

Proprietors of common Lands impowered to chuse Treasurers. 12 *A.* ca. 2.

Treasurer's Power.

## CHAP. II.

## An Act to enable Proprietors of General and Common Fields to raise Taxes, &c.

BE it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That in every Town in this Province where several Allotments of Lands are inclos'd in one general or common Field or Inclosure, and as such improved, or where all the Proprietors of Lands shall hereafter see Cause to inclose, fence and improve the same in such Manner; that in such Case the Proprietors of such general Fields respectively shall be and are hereby fully authorized and impowered in a Proprietors Meeting for that Purpose regularly convened, by a major Vote of the Proprietors then present, (the Vote to be collected according to the Interest of the Proprietors) to agree upon and pass one or more Votes for the raising and collecting such Sum or Sums of Money from Time to Time as they shall judge necessary for the carrying on, or managing any publick Affairs relating to such Proprietors; and that they be alike impowered to chuse three or five Assessors for the assessing and apportioning such Sum or Sums so agreed on and voted, upon the Proprietors of such Lands, according to their several Interests therein; and to appoint a Collector or Collectors to gather in and collect the same, which Collector or Collectors shall be and are hereby fully impowered to levy and collect the Sum or Sums so set and apportioned for such Proprietors to pay, in the same Manner as Constables of Towns within this Province are impowered to levy and collect the publick Rates or Taxes, and to pay in the same to the Proprietors or their Clerk, who is hereby impowered to grant Warrants for the levying and collecting such Assessment at such Time as shall be by them appointed for the Payment thereof; and such Clerk shall be accountable to the Proprietors therefor: The Person or Persons so assessing the said Proprietors, and the Collector or Collectors that shall be so appointed for the gathering and collecting the Sum or Sums so granted and

Proprietors of common Fields impowered to raise Taxes. 12 *A.* ca. 2.

And to chuse Assessors and Collectors

Proprietors or their Clerk to grant Warrants for such Taxes.

and agreed upon by the said Proprietors to be assessed and collected as aforesaid, shall be under Oath for the true and faithful Performance of their Services respectively, which Oath shall be administred to them as the Law provides for swearing Town Officers.

Assessors and Collectors to be under Oath.

*Provided nevertheless*, That any such Proprietor who apprehends himself aggrieved or over-rated in the making or apportioning such Assessment, shall have Liberty to apply to the Justices of the General Sessions of the Peace in the respective Counties where such Lands lie for Relief; and in such Case the said Justices are hereby fully impowered to grant Relief accordingly.

Aggrieved Proprietors to have Liberty of appealing.

## Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and held at *Boston* upon Wednesday the eighth Day of *July*, 1741. And continued by Prorogation and Adjournment unto Wednesday the sixteenth Day of *September* following.

### CHAP. III.

### An Act in further Addition to the several Acts for the Observation and keeping of the *Lord's-Day*.

4 *W. & M.* ca. 8. and References.

BE it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That from and after the Publication of this Act, when any Person or Persons that shall be found by any one or more of His Majesty's Justices of the Peace loitering, or idly spending his, her or their Time, or unnecessarily assembled or assembling themselves in any of the Streets, Lanes, High-Ways or Commons in any Town or Place within this Province, on the Lord's Day or any Part of it, and being ordered by such Justice or Justices to disperse or retire to his, her or their respective Lodgings, or repair to the publick Worship, shall refuse or neglect so to do, such Justice or Justices shall bind over such Offender or Offenders to appear at the next Court of General Sessions of the Peace for the County where the Offence shall be committed, to answer therefor, and to bind over such Persons as shall be then present, or a sufficient Number of them to give Evidence concerning the same, and shall make a Record thereof, and deliver or transmit such Record to His Majesty's Justices at their next General Sessions of the Peace for such County, who shall thereupon direct His Majesty's Attorney General, or in his Absence such other suitable Person as they shall appoint, forthwith to file an Information against such Offender or Offenders, who being convicted of the aforesaid Offence, either by Verdict or Confession in Court, shall for his, her or their first Offence, forfeit and pay for the Use of the Poor of such Place where the Offence shall be committed, *twenty Shillings*, with Costs of Prosecution, and stand committed until Payment thereof; and for his, her or their second and every other the like Offence the Sum of *forty Shillings* for the Use aforesaid, with Costs of Prosecution, and give sufficient Security for his, her or their good Behaviour till the next Court of General Sessions of the Peace, and stand committed till the same shall be performed.

Persons offending against this Act to be bound over to the Court of General Sessions of the Peace.

Penalty upon Conviction.

Penalty upon a second Offence, &c.

*Provided always*, That it shall and may be lawful for any Person or Persons convicted as aforesaid, to appeal to the Court of Assize then next to be held in and for such County, the Appellant or Appellants recognizing with sufficient Sureties to prosecute such Appeal there with Effect, as the Law directs.

Proviso.

CHAP.

## CHAP. IV.

An Act to ascertain the Value of Money, and of the Bills of publick Credit of this Province, granted this present Year for the Supply of the Treasury, and for securing the Credit of said Bills.

17 *G.* 2 ca. 1. 18 *G.* 2. ca. 2. 21 *G.* 2. ca. 1. 22 *G.* 2. ca. 1. 23 *G.* 2. ca. 1, 4, 5.

BE it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That from and after the first Day of *February* next, all coined Silver of Sterling Alloy shall be accounted, paid and taken as lawful Money of this Province at the Rate of *six Shillings and eight Pence* per Ounce Troy Weight, and other Money in the same Proportion, and no otherwise, and all private Trade and Dealings where no other lawful Money or Thing is expressly contracted for shall be intended to be in and for the Money aforesaid.

The Value of Silver Money stated at 6*s.* 8*d.* per Ounce.

*And whereas the Bills of publick Credit on this Province have been fluctuating and uncertain in their Value, whereby many Mischiefs and Inconveniencies have arisen:*

For preventing whereof for the future:

Be it enacted by the Authority aforesaid, That the Province Bills emitted for the Supply of the Treasury this present Year, shall be valued and taken at the Rate following, *viz.* Every Bill of *six Shillings and eight Pence*, at the Rate of one Ounce Troy Weight of coined Silver Sterling Alloy, and all other Bills of said Emission at the same Proportion.

Value of Bills of Credit stated.

And be it further enacted, That *six Shillings and eight Pence* of all Debts and Dues to be contracted within five Years from the last Day of *March* next (Specialties and express Contracts excepted) shall be deemed and to all Intents and Purposes adjudged to be equal to one Ounce of coined Silver Sterling Alloy, and shall be accordingly paid with one Ounce of Silver, or with *six Shillings and eight Pence* of the Bills to be emitted for the Supply of the Treasury this present Year (excepting as herein after excepted) or in so much of the Province Bills thereafter to be emitted, as shall be equal to one Ounce of Silver at the Time of Payment, and so in Proportion for a greater or less Sum.

*Provided nevertheless*, That if the Bills ordered to be emitted this present Year, or other Bills hereafter to be emitted, shall be depreciated or commonly pass at any lower Rate than they are set at by this Act, or by the Act by which such other Bills shall be emitted, that then and in such Case the Justices of the respective Courts shall give Judgment for so much in Silver as the true Debt appears to be, and in Want thereof for so much in said Province Bills, with the Addition of so much more as will make Amends for the depreciating said Bills from their present stated Value, or the Value at which such other Bills shall be stated.

Allowance to be made to the Creditor in Case the Bills be depreciated.

*And to the Intent that there may be one certain Rule by which the Justices of the respective Courts shall proceed in making up their Judgments*;

Be it enacted by the Authority aforesaid, That the General Assembly shall once in every six Months determine the Rates that said Bills then commonly pass at in Proportion to Silver and Bills of Exchange payable in *London*, and in Want thereof it shall be determined by the eldest Councellor for the Time being in each of those Counties where any Member of His Majesty's Council is an Inhabitant, who are hereby appointed a Committee for that Purpose, and to ascertain the said Proportion by a Certificate under their Hands, or the Hands of the major Part of them, which Certificate shall be lodged in the Secretary's Office, and in Case of their Failure, that then the Justices of the Superiour Court of Judicature in their several Terms in the County of *Suffolk* annually shall appoint five able and sufficient Men upon their Oaths, to consider and report the true Value of those Bills as they will produce in Silver or Bills of Exchange to the best of their Judgment, and certify the same into the Secretary's Office; and the Secretary on Receipt of either of the aforesaid Certifi-

Rule for the Courts proceeding thereon.

cates shall forthwith send attested Copies thereof to the Clerks of the Courts in the several Counties, to be by them laid before their respective Courts for their Direction.

*And whereas the purchasing Silver at high Rates, has often brought a Discount on the Bills of publick Credit:*

Penalty for giving more for Silver than at the Rate set in this Act.

Be it therefore further enacted by the Authority aforesaid, That whosoever shall at any Time within five Years from the first Day of *February* next, directly or indirectly by himself or by any other for him, wittingly give, contract or offer to give, receive, contract, or offer to receive more than *six Shillings and eight Pence* in the Bills of publick Credit, ordered to be emitted this present Year for the Supply of the Treasury, for one Ounce of Silver Troy Weight of Sterling Alloy, or proportionably for any greater or less Sum, or more in any other Bills of Credit than (at the Rates at which they shall obtain a Currency) shall be equal to *six Shillings and eight Pence* in the Bills ordered to be emitted this present Year, for one Ounce of Silver, and proportionably for a greater or less Sum, or more than a proportionable Value, whether Payment be made or proposed to be made in Bills or any other Way and Manner whatsoever, he shall forfeit the Sum of *fifty Pounds*, in the Bills ordered to be emitted this Year for the Supply of the Treasury, or equivalent thereto in other Province Bills, or in Silver or Gold; one Half to His Majesty for the Use of the Province, and the other Half to the Informer, to be recovered by Action of Debt, Bill, Plaint or Information in any Court of Record within the County where the Offence shall be committed, or by Indictment or Presentment of the Grand Jury; and in every such Prosecution, if the Prosecutor only, or other credible Person (who was Party in such Contract, Trade or Dealing) shall tender his Oath to the Truth of the Matter alledged (unless the Defendant will thereof acquit himself by his Oath) the Prosecutor or such other credible Person as aforesaid, shall be admitted to swear to the Matter of Fact charged upon the Defendant, and that shall be taken for full Evidence against the Defendant, and the Prosecutor or such other Person who shall so testify, shall not be liable to any Fine or Forfeiture he may have incurred by and in the same Contract, Trade, or Dealing; and if any Person thought probably concerned in any such Contract, Trade or Dealing, refuse to be sworn or to give Evidence either before the Court before whom the Trial shall be, or to the Grand Jury, he shall (by the Court who shall require such Oath) be fined such Sum as if he had been convict of buying Silver contrary to this Act, and shall stand committed till he pay the same, and the Fine shall be in like Manner applied.

Proviso.

*Provided*, That nothing herein contained shall be construed to restrain the buying or selling of Silver wrought into Vessels or other Things commonly made by Goldsmiths, at a higher Rate than *six Shillings and eight Pence* per Ounce.

## CHAP. V.

## An Act to alter several Laws that require Appellants to file and produce the Reasons of their Appeal.

Preamble.

*WHEREAS it is found by Experience that the Appellant's filing Reasons of Appeal in the Courts of the common Law, is a meer Matter of Form, and gives no Light in the Cause, but many Times occasions vain Disputes upon their Forms, to the needless Charge of the Appellants, and sometimes to the utter Overthrow of their Causes:*

No Reasons of Appeal to be given in any Cause.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That henceforth when any Party shall be aggrieved at the Sentence or Judgment of any Justice, or Court of General Sessions of the Peace, or Inferiour Court of Common Pleas, and appeal to any higher Judicatory, the Appellant

Appellant shall not be required to file or produce any Writing purporting the Reasons of his Appeal, but the Cause may be entred and tried upon the Appeal without any Reasons filed or produced, as heretofore hath been accustomed: Any Law, Usage or Custom to the contrary hereof in any wise notwithstanding.

## CHAP. VI.

15 *G.* 2. ca. 7. 17 *G.* 2 ca. 5. 19 *G.* 2. ca. 2. 23 *G.* 2. ca. 1, & 4.

### An Act in Addition to an Act made to prevent the Destruction of the Fish called *Alewives*, and other Fish.

Preamble.

*WHEREAS notwithstanding the several Acts made for the Preservation of the Fish, and to give them free Passage up and down the Rivers in their Seasons, yet by Reason of the many Dams erected, and often erecting across such Rivers and Streams where the several Sorts of Fish pass up into the natural Ponds to cast their Spawns, said Fish are diverted in their Passage, to the great Decay and Ruin of such Fishery:*

Passage in Dams to be kept open for the Fish at the proper Season.

**Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That whosoever shall hereafter erect or build any Dam across any such River or Stream where the *Salmon, Shad, Alewives*, or other Fish usually pass up into the natural Ponds to cast their Spawn, shall make a sufficient Passage Way for the Fish to pass up such River or Stream through or round such Dam, and shall keep it open for the free Passage of the Fish from the first Day of *April* to the last Day of *May* annually, and all the Owners or Occupants of any Mill Dam or other Dams heretofore erected and made across any such River or Stream where the Fish can't conveniently pass over, shall make a sufficient Way either round or through such Dam, for the Passage of such Fish at or before the first Day of *September* next, and after that to keep such Passage Way open from the first Day of *April* to the last Day of *May* annually, on Pain that every Person offending in any of the Particulars aforesaid, shall forfeit and pay the Sum of *fifty Pounds* for each Offence.

Penalty:

In some Towns the Select-men to appoint the Season.

Provided nevertheless, *Whereas in some of the Rivers or Streams the said Fish do not pass up to spawn in the Times by this Act provided for, that it shall be in the Power of the several Towns wherein such Streams are, or are adjoining, or the Select-Men of such Towns, or the major Part of them, to appoint or order the Times of keeping open such Sluice-Ways, as in their Judgment may be agreable to the natural Time of said Fish passing up to spawn, so as it does not exceed sixty Days annually.*

Owners of the Dams to allow a Passage.

**And be it further enacted by the Authority aforesaid,** That the Owners or Occupants of such Dam or Dams shall allow sufficient Water Passage round through or over such Dams for the Passage of such Fish or their young Spawn in the Season of their going down such Rivers or Streams, on Penalty of forfeiting the Sum of *fifty Pounds* for every Offence.

Charge thereof to be paid by those that have the Benefit.

*Provided nevertheless*, That whosoever is an Owner or Occupant of such Dam or Dams erected before the Year One Thousand seven Hundred and nine, and by this Act is obliged to make such Passage Way for the Fish as aforesaid, shall after he has effected the same, present his Account of the reasonable Charge thereof to the Court of General Sessions of the Peace of the same County for their Allowance, who are hereby impowered to proportion the several Towns Parts thereof who are advantaged thereby, and order each of said Towns to assess and pay the same to such Owner or Occupant accordingly, and the Owners or Occupants of such Dam shall afterwards maintain such Passage Way at his or their own Cost and Charge.

Towns to chuse Persons to see that this Act be observed.

**And be it further enacted by the Authority aforesaid,** That it shall be in the Power of any Town at their annual Meeting in *March* to chuse one or more Persons whose Business it shall be to see that the said Passage Ways are open pursuant to this Act, and that said Fish may not be obstructed in their usual

passing up and down Stream, and to appoint the proper Place or Places for the taking such Fish with Scoop Nets, and to limit the particular Times and Days for the taking the same.

Proviso. *Provided also,* That this Act shall not be construed so as to affect the Order of this Court, pass'd in *January* One Thousand seven Hundred and thirty eight, relating to *Watertown* Mill-Dam.

Disposition of the Fines. And that the several Fines and Penalties arising by Virtue of this Act, shall be sued for and recovered in any Court of Record proper to try the same, by any Person that shall prosecute and sue for the same, one Half of such Sum to be to and for the Use of the Prosecutor, and the other Half to be to and for the Use of the Poor of the Town where the Offence shall be committed.

## Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston*, upon Wednesday the eighth Day of *July* 1741. And continued by Prorogation and Adjournments unto Wednesday the seventeenth Day of *March* following.

### CHAP. VII.

### An Act in Supplement of an Act Intituled *An Act in Addition to an Act made to prevent the Destruction of the Fish called* Alewives *and other Fish.*

See 6 Chap. of this present Year.

Preamble. *WHEREAS in and by an Act made in the present Year of His Majesty's Reign, Intituled,* An Act in Addition to an Act made to prevent the Destruction of the Fish called *Alewives* and other Fish; *the several Towns within this Province are enabled and impowered to chuse one or more Persons whose Business it should be to see that the Passage Ways for Fish (in said Act ordered to be made) be kept open during the Term therein mentioned, that so the Fish may not be obstructed in their usual passing up and down Stream, and to appoint the proper Place or Places for the taking such Fish with Scoop-Nets, and to limit the particular Times and Days for taking the same; but no Penalty is therein ordered to be imposed on such as shall take* Alewives *or other Fish at other Times or Places than such as shall be appointed in Pursuance of said Act:*

Penalty for catching Fish with Nets &c. out of Season. **Be it therefore enacted by the Governour, Council and House of Representatives,** That whosoever shall presume to take any of the Kinds of Fish in said Act enumerated (whether with Scoop-Nets or otherwise) in any River or Stream within or adjoining to any Town within this Province at any other Place or Time than such as has been or shall be limited and appointed by any Town in Pursuance of said Act, such Offender or Offenders shall forfeit and pay the Sum of *ten Shillings* for each Offence, one Moiety thereof to be for the Use of the Poor of the Town where the Offence shall be committed, the other Moiety to be to him or them who shall inform and sue for the same before one or more of His Majesty's Justices of the Peace in the same County.

*Provided,* That this Act be not construed to affect any Person taking Fish in any Town where such Town shall not in Manner as aforesaid appoint the Time and Place for taking the Fish aforesaid.

CHAP.

## CHAP. VIII.

An Act to enable the Truſtees appointed in His Majeſty's High Court of Chancery to purchaſe Houſes or Lands and improve the ſame for perpetuating the Charity of the honourable *Edward Hopkins*, Eſq; more effectually to ſecure the Intereſt of their ſeveral Tenants in Poſſeſſion of their *Hopkinſton* and *Upton* Lands, and the Revenue of thoſe Lands to the College and Grammar School at *Cambridge*, according to the true Intent of all Parties at the firſt Settlement of that Town.

Preamble. WHEREAS *the Truſtees appointed in his Majeſty's high Court of Chancery to purchaſe Houſes or Lands and improve the ſame for perpetuating the Charity of the honourable* Edward Hopkins, *Eſq; at their Meeting the nineteenth of* April 1716, *agreed that thoſe Lands ſhould be leaſed out at the annual Rent of* three Pence *an Acre for the Term of ninety nine Years, and not exceeding* nine Pence *an Acre to thoſe Termors their Heirs and Aſſigns at any Time coming after the Expiration of that Term, and afterwards when the Leaſes were made for that Term to commence the twenty-fifth of* March 1723, *as on the one Hand they did not ſecure to the particular Termors their Heirs and Aſſigns the Right of renewing their Leaſes from Time to Time for ever upon an annual Rent not exceeding* nine Pence *an Acre, to the great diſadvantage of the Tenant, ſo on the other Hand they obliged the Truſtees to diſcharge and ſave the Tenants from paying any Province Tax for three Quarters of the Premiſes, to the utter Loſs of the Rent therein reſerved for the pious Uſes aforeſaid:*

New Indentures to be given on *Hopkinſton* and *Upton* Land. Be it therefore enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That it ſhall be lawful for the ſaid Truſtees, and they are hereby impowered by certain Indentures between them and the Tenants of thoſe Lands to be executed, to confirm the ſeveral Tenements in the Tenure of the original Termors or their Aſſigns, to hold to them their Heirs and Aſſigns forever, reſerving a Rent Charge of *one Penny* Sterling Money of *Great-Britain* or equivalent in Province Bills by the Acre, payable the twenty-fifth of *March* annually in Lieu of the Rent reſerved in their reſpective Leaſes, till the twenty-fifth of *March* One Thouſand eight Hundred and twenty-three, and *three Pence* an Acre like Money payable the twenty-fifth of *March* annually from that Time forward for ever, the Tenants covenanting for themſelves their Heirs and Aſſigns to pay all Province Taxes for their Lands to be rated by this Court from Time to Time for what they are worth above the Rents reſerved as aforeſaid.

Preamble. *And whereas the Truſtees aforeſaid have by an Endorſement on their ſeveral Leaſes granted to the Termors and their Aſſigns the Right of Common in all their Lands in* Hopkinſton *and* Upton (*above twelve Thouſand five Hunderd Acres deſigned for the ſeveral Tenants and other particular Uſes*) *in proportion to the Quantity of their Lands leaſed to them, and theſe Tenants apprehend they can more beneficially improve the ſaid common Lands if divided to every one their Share:* Now therefore,

Tenants impowred to divide their Commons. Be it further enacted by the Authority aforeſaid, That the Truſtees aforeſaid inſtead of granting them the Common aforeſaid, be impowred by the Indentures aforeſaid the better to enable them to pay the Land-Tax aforeſaid, to give, grant, convey and confirm to the Tenants aforeſaid all the Lands aforeſaid, in proportion to their Lands leaſed to them as aforeſaid, to hold to them and their Heirs

Heirs for ever, that they may either improve the same in Common as was first intended, or divide and seperately improve the same as shall seem good to them or the major Part of them upon Advisement and mature Consideration thereof.

*And for the better securing of the several Tenants Estate in the Premises, and more clear Discovery of their respective Interests, and the recovery of the Rents aforesaid* :

A Register to be appointed for recording Leases &c.

Be it further enacted, That the Trustees aforesaid shall, and they are hereby impowered to appoint a Register for those Lands, and swear him to the faithful Discharge of his Duty, and from Time to Time upon his Misbehaviour or Failure by Death or otherwise, to substitute and swear another in his Room, who shall keep fair Books of Record, and therein record one of those Leases already recorded by the Register of the County of *Middlesex*, with the mean Conveyances thence down to the present Tenant in Possession, as also a Certificate from the Register of the County of *Middlesex* of all the rest by him recorded, expressing the Lessees Premises Dates and the Terms of Continuance, with all the mean Conveyances down to the present Tenant in Possession; and he shall likewise record all those Leases and mean Conveyances not yet recorded by the Register of the County of *Middlesex*, and all future Conveyances of any of the said Lands: And after the twenty-sixth Day of *April* next no Conveyance of those Houses or Lands, the Revenue whereof goes to the College and Grammar School in *Cambridge*, shall be good to hold the same against any other Persons but the Grantors and their Heirs only, unless the Deed thereof be recorded by the Register aforesaid, who shall take of the Purchasers at the Rate of *eight Pence* Sterling, or equivalent in Province Bills, for every Page of twenty eight Lines, eight Words in a Line for recording the same, and no more: And no Purchaser shall be obliged to record any of these Deeds in the Records of the County of *Middlesex* henceforward.

## CHAP. IX.

## An Act to limit and direct in suing out Executions upon Judgments of Courts.

Method for regulating Executions.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when Judgment shall be given in any Court of Record, the Party obtaining it may sue out Execution thereon at any Time within a twelve Month, and afterwards renew it as often as Occasion shall require; and where any Execution shall be returned without any Satisfaction made, or satisfied only in Part, the Clerk of the said Court within a twelve Month after the Return thereof into the Office, may *ex Officio* renew or make out an alias or Pluries Execution for the whole or the Remainder as the Case may be, till the Judgment be fully satisfied: But if the Party shall neglect to sue out his Execution, Alias or Pluries, within the Times afore limitted, he shall sue out a Writ of *Scire Facias*, and cause the adverse Party to be served therewith, or an attested Copy thereof, to be left at his Dwelling or Place of usual and last Abode, seven Days inclusive before the Court's sitting, requiring him to shew Cause, if any he have, why Execution ought not to be done; and upon his Non-Appearance, or not shewing sufficient Cause, the Court shall award Execution for what remaineth, with additional Cost.

# An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and held at *Boston* upon Wednesday the twenty-sixth Day of *May*, 1742.

## CHAP. I.

## An Act in Addition to the several Acts or Laws of this Province for the Settlement and Support of Ministers.

4 *W. & M.* ca. 11.

WHEREAS *the professed Members of the Church of* England *have complained that they are unreasonably taxed for the Support of divine Worship in the Manner established by the Laws of this Province, while they and their Families constantly attend the Worship of GOD according to the Usage and Order of the Church of* England, *either within their own or some neighbouring Town, Parish, or Precinct*: Preamble.

Be it enacted by the Governour, Council and House of Representatives, That the Members of the Church of *England* and their Estates shall be taxed to the Support of the publick Worship of GOD with the other Estates and Inhabitants within the Bounds of any Town, Parish or Precinct, according to the Laws of this Province: And the Treasurer of such Town, Parish or Precinct, as he receiveth any such Tax, shall deliver the Taxes collected of every professed Member of the Church of *England* unto the Minister of the said Church, with whom he usually and frequently attends the publick Worship of GOD on the Lord's Days, which Minister shall have Power to receive, and if need be to recover the same in the Law, to support him in the Place whereunto he is duly designed and sent. Tax of Persons attending at the Church of *England*, to be paid their own Minister.

And if by that Means any Deficiency happeneth in the Salary of any Minister setled by the Laws of this Province, such Town, Parish or Precinct within two Months after such Deficiency appeareth, shall make good the same. Deficiency provided for.

*Provided nevertheless*, That all such professed Members of the Church of *England*, shall be intirely excused from paying any Taxes toward the Settlement of any Minister or building any Meeting-House, pursuant and according to the Direction and Orders of the Laws of this Province, and utterly debarred from voting any Ways concerning such Ministers or Meeting-Houses. Members of the Church of *England* excused from Charges towards the Settlement of Ministers, &c.

*Provided also*, That no Person shall be exempted or his Tax paid over to any Minister of the Church of *England*, unless such Minister and his Church Wardens shall first certify to the Treasurer of such Town or Parish where he lives, that such Person is a Member of the Church of *England*, and usually and frequently attends the publick Worship of GOD with them on the Lord's Days as aforesaid. Proviso.

# Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston*, upon Wednesday the twenty-sixth Day of *May*, 1742. and continued by Prorogation and Adjournments unto Thursday the eighteenth of *November* following.

## CHAP. II.

## An Act to prevent Incumbrances about the Doors of the Court House in *Boston*.

WHEREAS *the Doors of the Court House in the Town of* Boston, *are often incumbred by Teams and otherways, so as very much to obstruct the Members of the General Court in their Passage to and from the said House*: Preamble.

Be

Penalty for incumbering the Doors of the Court House.

**Be it therefore enacted by the Governour, Council and House of Representatives**, That no Person or Persons whatsoever shall presume to incumber the said House by stopping or suffering to stand any Coach, Chaise, Chair, Team, Cart, Sled, Truck or Wheelbarrow, or by laying any Lumber, Stones, Mud, Dirt, or other Incumbrance whatsoever within the Distance of twenty-four Feet from the West End, thirty Feet from the Bottom of the Steps at the East End, and ten Feet from either Side of the said House, upon Pain of forfeiting *five Shillings* unto the Door-Keeper to the General Court for the Time being, and by him to be recovered before a Justice of the Peace.

Penalty for offending after Warning by the Door-Keeper.

And in Case any Person or Persons offending in either of the Particulars before mentioned, after being thereto required by the Door-Keeper, shall not forthwith remove any such Incumbrance, he or they shall forfeit the Sum of *twenty Shillings*, to be recovered in like Manner as aforesaid.

Proviso.

*Provided nevertheless*, That this Act shall not be construed so as to hinder any Coach, Chariot, Chaise or Chair, from standing within the Limits aforesaid, which shall be used by the Governour, Lieutenant-Governour, or any of the Members of the General Court for the Time being.

## CHAP. III.

## An Act for preventing unnecessary Expence in the Attendance of Petit Jurors on the several Courts of Justice within this Province.

Preamble.

*WHEREAS Petit Jurors are often Times detained at the Trial and Hearing of Causes which are not committed to them by Reason of the Agreement of Parties, Abatement of the Writ, or Discontinuance; whereby the Plaintiff becomes Non-suit, and frequently (especially in the Inferiour Court of Common Pleas) Judgment is entred up against the Defendant by Default, whereby great Part of the Jury's Time is taken up, without their being allowed any Benefit by Law, notwithstanding their being obliged to give their constant Attendance during the Time of the Courts sitting, until all the Actions depending there are finished*:

Wherefore,

The Time of Attendance of Petit Jurors stated.

**Be it enacted by the Governour, Council and House of Representatives**, That Petit Jurors (in the Court of General Sessions of the Peace and Inferiour Court of Common Pleas to be held within and for the County of *Suffolk*) shall not be obliged to give their Attendance until the second Tuesday of said Courts Sitting; and at the said Courts that are to be held within all other Counties within this Province, on the second Day of the said Courts Sitting, to the End that the said Courts may proceed upon and determine all Pleas in Bar and Abatement of Writs, and all other Matters and Things that relate to such Actions as are not committed to the Jury; so that their Time and Attendance be not unnecessarily taken up and delayed. And the Clerks of the respective Courts aforesaid are hereby ordered and directed in making out Writs of *Venire Facias* for the Choice of Petit Jurors to give Directions accordingly.

No Action to be entred after the first Day of the Court's Sitting &c.

**And be it further enacted**, That no Action be entred in any of the Courts aforesaid after the first Day of their Sitting: And all Pleas in Bar of the Action or Abatement of the Writ be either entred thereon or filed with the Clerk of the said Court before the Jury be impanneled; and if the Defendant in any Action suffer Default, and comes into Court and moves for a Re-entry of his Action, (after the Jury be impanneled) on paying the Plaintiff or his Attorney such legal Cost as shall then have arose, and half Fees to the Petit Jury, to whom the same shall be ordered by said Court, he shall be admitted to a Re-entry of his Action, and to all such Privileges as by Law he was intitled to on his first Entry.

# Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the twenty-sixth Day of *May*, 1742. And continued by Adjournments and Prorogations to Thursday the thirty-first Day of *March* following.

## CHAP. IV.

## An Act for fixing the Times for holding the Superiour Courts of Judicature, Courts of Assize and General Goal Delivery, and Courts of General Sessions of the Peace, and Inferiour Courts of Common Pleas within the several Counties in this Province.

11 *W.* ca. 3.

BE it enacted by the Governour, Council and House of Representatives, That the Times and Places for holding and keeping the Courts of General Sessions of the Peace, and Inferiour Courts of Common Pleas within the respective Counties in this Province for the future shall be as followeth; *That is to say*, For the County of *Suffolk*, at *Boston* on the first Tuesday of *July*, *October*, *January* and *April*: For the County of *Essex*, at *Salem* on the second Tuesday in *July*, and last Tuesday in *December*, at *Newbury* on the last Tuesday in *September*, at *Ipswich* on the last Tuesday in *March*: For the County of *Middlesex*, at *Cambridge* on the third Tuesday in *May*, at *Charlestown* on the second Tuesday in *December* and *March*, at *Concord* on the last Tuesday in *August*: For the County of *Hampshire*, at *Springfield* on the third Tuesday in *May* and last Tuesday in *August*, at *Northampton* on the second Tuesday in *February* and *November*: For the County of *Worcester*, at *Worcester* on the first Tuesday in *November* and *February*, the second Tuesday in *May*, and the third Tuesday in *August*: For the County of *Plymouth*, at *Plymouth* on the first Tuesday in *March*, on the third Tuesday in *May*, *September* and *December*: For the County of *Barnstable*, at *Barnstable* on the last Tuesday in *June*, and on the third Tuesday of *March*, *October* and *January*: For the County of *Bristol*, at *Bristol* on the second Tuesday in *March*, *June*, *September* and *December*: For the County of *York*, at *York* on the first Tuesday of *April*, *July* and *January*, at *Falmouth* on the first Tuesday in *October*: For *Dukes-County*, at *Edgartown* on the first Tuesday in *March* and last Tuesday in *October*: For the County of *Nantucket*, at *Sherburn* on the last Tuesday in *March* and first Tuesday in *October* yearly, and in every Year from Time to Time.

The Times and Places for holding Inferiour Courts and Courts of General Sessions of the Peace.

And be it further enacted, That the Times and Places for holding and keeping the Superiour Court of Judicature, Court of Assize, and General Goal Delivery, shall for the future be as followeth: *That is to say*; Within and for the County of *Suffolk*, at *Boston* on the third Tuesday in *August* and *February*; Within and for the County of *Essex*, at *Salem* on the second Tuesday in *November*, at *Ipswich* on the second Tuesday in *May*: Within and for the County of *Middlesex*, at *Cambridge* on the first Tuesday in *August*, at *Charlstown* on the last Tuesday in *January*: Within and for the County of *Hampshire*, at *Springfield* on the fourth Tuesday in *September*: Within and for the County of *Worcester*, at *Worcester* on the third Tuesday in *September*: Within and for the County of *Plymouth*, at *Plymouth* on the second Tuesday of *July*: Within and for the County of *Barnstable* and *Dukes-County*, at *Barnstable* on the third Tuesday in *July*: Within and for the County of *Bristol*, at *Bristol* on the fourth Wednesday in *October*: Within and for the County of *York*, at *York* on the third Wednesday in *June* yearly, and in every Year from Time to Time until this Court shall order otherwise.

Times and Places of holding the Superiour Courts, &c.

## CHAP. V.

5 *W.* & *M.* ca. 9

### An Act in Addition to the several Acts for Regulating Fences.

Preamble.

*WHEREAS the several Laws already made are ineffectual for obliging Persons to make and maintain Partition Fences between their Lands under Improvement, whereby the aggrieved Parties are put to great Expence and Charge in forcing a Compliance by the Rules of the Law:*

Be it enacted by the Governour, Council and House of Representatives, That from and after the first Day of *May* next, that the respective Proprietors of all Lands enclosed with Fence, shall keep up and maintain Partition Fences between their and the next adjoining Enclosures, in equal Halves according to Law, so long as both Parties continue to improve the same, and in Case either Party lay his Enclosure common, the Party improving shall allow for his Half of said Partition-Fence what the same shall be judged worth in the Estimation of two or more of the Fence-Viewers of such Town; and if any Person shall enclose such Land afterwards, or by joining Fences with another, enclose his Lands before lying common, he shall thereupon pay to the Person who owns the Partition-Fence the Value of one half of the same, in the Judgment of the Fence-Viewers as aforesaid, and all Partition-Fences hereafter to be made, shall be in like Manner done and maintained by the improving Parties in equal Halves; and in Case either Party refuse after six Days Notice to make up his Half thereof, the aggrieved Party shall forthwith apply himself to two or more of the Fence-Viewers of such Town, who hereby are impowered and enabled to make up the same according to Law, and upon such Person's Refusal, who ought to pay for the same, with their Costs and Charges thereon, to prosecute and sue for it in any Court of Law proper to try the same, and in Case any Dispute shall arise about the respective Owner's Right to any Part of such Fence, and his or their Obligation to maintain the same, upon Application made to two or more of the Fence-Viewers of such Town where the Land lies, they are hereby impowered to assign to each Party his Share thereof, and such Settlement being recorded in the Town-Clerk's Office, shall be binding upon such Persons, and they obliged always thereafter to maintain their Part of said Fence as aforesaid; and in Case any of the Parties aforesaid refuse or neglect (after six Days Notice given) to erect, keep up and maintain the Partition-Fences as is by this Act prescribed, upon Application made to two or more of the Fence-Viewers aforesaid, they shall do or cause the same to be done at the Cost of the Person neglecting his Duty, who (in Case of Refusal) shall be liable to the Suit of such Fence-Viewers for the Recovery thereof in Manner as aforesaid, who shall be allowed double for all their Charge and Expence in procuring Materials, and doing the Workmanship thereof: *Saving always*, to every Person and Persons any particular Agreement touching the making and maintaining Partition-Fences between their Lands.

Rules for the Charge of Partition Fences.

Methods for determining Disputes about the Charge of Partition Fences.

---

# An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston* upon Wednesday the twenty fifth Day of *May*, 1743.

---

## CHAP. I.

15 *G.* 2. ca. 4.

### An Act in Addition to and in Explanation of sundry Clauses of an Act Intituled *An Act to ascertain the Value of Money and of the Bills of publick Credit of this Province, &c.* made and pass'd in the fifteenth Year of His Majesty's Reign.

Preamble.

*WHEREAS in the Law for ascertaining the Value of Money and of the Bills of publick Credit of this Province passed in the fifteenth Year of his Majesty's Reign, it is enacted, That all Debts contracted after*

*after the last Day of* March *A.D.* 1742, (*Specialties and express Contracts excepted*) *should be deemed equal to lawful Money, and every Debt of* six Shillings and eight Pence *Value so contracted should or might be discharged by one Ounce of Silver, or* six Shillings and eight Pence *of the Bills of publick Credit emitted that Year, or that should thereafter be emitted, equal in Value to an Ounce of Silver.* Provided nevertheless, *that in Case such Bills should be depreciated below the Value they were stated at by said Act, that an Addition should be made of so much more as would make them equal to the then fixed Value aforesaid. And the Judges of the Superiour Court, agreable to the Directions of the aforesaid Law, have made Inquiry by a Committee for that Purpose appointed, who have certified into the Secretary's Office that* seven Shillings and two Pence *of the Bills of Credit of the last Form and Tenor is equal to one Ounce of Silver*; *in Consequence whereof Judgments have been made up in several Courts on Debts contracted since the last Day of* March *aforesaid at that Rate, whereby an Addition of* six Pence *is made to the Creditor on every Debt of* six Shillings and eight Pence *Value. And whereas by said Certificate compared with the Rates of Bills of Exchange in* March *aforesaid, it is manifest that the said Bills are not depreciated below the Value they passed at when first emitted, in as much as* six Shillings and eight Pence *in said Bills will now go as far in purchasing Bills of Exchange as when said Act was made, and the aforesaid Loss has happened to the Debtor from his not strictly attending the Direction of said Law, whereby every Debt of* six Shillings and eight Pence *is deemed equal to an Ounce of Silver, (Specialties and express Contracts excepted) and should have been considered by the Debtor at the Time of contracting such Debt as if the same had been payable in lawful Money. And whereas the Bills of publick Credit currant in this Province are at present the only Medium of the common Trade and Business within it, there will be continual Danger of the Debtor's computing his Debt according to the depreciated Value of such Bills whilst it is deemed by said Law to be contracted for lawful Money*; *and thereby great Damage may ensue to Debtors contrary to the true Intent and Meaning of the said Law*:

Wherefore,

All Debts to be deemed according to Value of the Bills when contracted.

**Be it enacted by the Governour, Council and House of Representatives,** That all Debts contracted since the last of *March* A. D. One Thousand seven Hundred and forty two, or that shall hereafter be contracted (Specialties and express Contracts excepted) shall be deemed and adjudged equal to the real Value only such Bills have passed or shall pass at when such Debt was or shall be contracted; and every Debt of *twenty Shillings* contracted as aforesaid, shall or may be always hereafter discharged by *twenty Shillings* in said Bills, and so *pro ratâ* for a greater or less Sum; unless such Bills have already or should hereafter be depreciated below the Value they passed at when such Debt was or shall be contracted; and in such Case so much shall always be allowed by the respective Courts in this Province as shall make said Bills equal in Value to such Debt when contracted: Any Thing contained in the aforesaid Law to the contrary notwithstanding.

Saving an Allowance for Bills depreciating.

# An Act,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and held at *Boſton*, upon Wedneſday the twenty-fifth Day of *May*, 1743. And continued by Adjournment to Thurſday the eighth Day of *September* following.

## CHAP. II.

11 *W* ca 6.

## An Act for erecting of Work-Houſes for the Reception and Employment of the Idle and Indigent.

Preamble.

*WHEREAS the erecting of Houſes for the Entertainment and Employment of idle and ſlothful Perſons who refuſe to exerciſe any lawful Calling or Buſineſs whereby to ſupport themſelves and Families, and of the Poor and Indigent that want Means to employ themſelves, may be of great Advantage to the Publick, and more eſpecially to the Towns that ſhall be concern'd in ſuch an Undertaking:*

Any ſingle Town may erect a Work-Houſe, appoint Overſeers, &c.

**Be it therefore enacted by the Governour, Council and Houſe of Repreſentatives**, That whenſoever any Town within this Province ſhall ſee meet to erect or provide an Houſe for the Purpoſe before mentioned, ſuch Town ſhall be and hereby is authorized and impowered ſo to do; as alſo at their publick Meetings for the Choice of Town Officers in the Month of *March* annually, to chuſe five ſeven or nine Overſeers of ſaid Houſe, who ſhall have the Inſpection, Ordering and Government thereof, with Power of appointing a Maſter and needful Aſſiſtants for the more immediate Care and Overſight of the Perſons received into, or employed in ſaid Houſe: which Overſeers once in every Month, and at other Times as Occaſion ſhall require, ſhall aſſemble together to conſider and determine of the moſt proper Methods for the Diſcharge of their Office; and at their ſtated monthly Meetings ſhall have Power to make needful Orders for the Regulation of ſuch Houſe, which Orders ſhall be binding till the next publick Meeting of the Inhabitants of ſuch Town (to whom ſuch Orders ſhall be preſented for Approbation) and when by them approved ſhall be obligatory until revoked by ſaid Town.

Overſeers may make needful Orders for regulating ſuch Houſe.

Two or more Towns may erect a Work-Houſe.

**And be it further enacted**, That when any Number of Towns ſhall agree (at their joint Charge and for their common Benefit) to erect or provide a Work-Houſe for the Employment of Perſons reſiding in ſuch Towns that are indigent or idle, or to purchaſe Land whereon to erect ſuch Houſe and for the Accommodation of it, they ſhall be and hereby are veſted with Authority ſo to do; and the Regulation Inſpection and Government of ſuch Houſe when erected, ordering the needful Repairs of it, with Power of appointing a Maſter and other Aſſiſtants, and him or them (in Caſe of any irregular Behaviour, Incapacity or other juſt Cauſe) to remove from their reſpective Offices or Truſts, ſhall be in the Hands of the Overſeers to be from Year to Year ſpecially appointed or choſen by the ſeveral Towns concerned at their anniverſary publick Meetings in the Month of *March*; each Town to chooſe five, unleſs all the Towns engaged in the Undertaking ſhall agree upon any other Number or Proportions; and in Caſe of the Death of any Overſeer, or his removal out of the Town for which he was appoinred, the Vacancy thereby made may be ſupply'd by ſuch Town at any other publick Meeting; and if any Town or Towns concerned, ſhall neglect to chuſe ſuch Overſeers, in ſuch Caſe the Perſon or Perſons choſen by the other Towns may proceed in all Affairs of ſaid Houſe, any ſuch Neglect or Refuſal notwithſtanding.

May appoint Overſeers to inſpect the Houſe, and order the Affairs of it.

Overſeers to hold quarterly Meetings.

**And be it further enacted**, That there be ſtated Quarterly Meetings of all the Overſeers on the firſt Tueſday of the Months of *April*, *July*, *October* and *January*, from Year to Year, to be held at the Work-Houſe, in order to inſpect the Management thereof, and for the ordering the Affairs of ſaid Houſe; and

and beſides theſe ſtated Meetings, intermediate Meetings (to be held at the Work-Houſe) may be called (when Need requires) by the Overſeers of any Town concerned, due Notice of the Time and Occaſion thereof being given to the reſt in ſuch Way and Manner as ſhall be agreed on by the Overſeers at any General ſtated Meeting.

May chooſe a Moderator, Clerk, &c.

**And be it further enacted**, That the Overſeers when duly aſſembled may chuſe a Moderator to regulate the Buſineſs of the Meeting, who ſhall have a Voice in Matters voted or tranſacted by the Overſeers, in Caſe only of an Equi-Vote; and at their firſt general Meeting in every Year ſhall likewiſe choſe a Clerk to enter and record all Votes and Orders that from Time to Time ſhall be made and paſſed by the Overſeers, who ſhall be ſworn to the faithful Diſcharge of his Truſt.

May make Orders and By-Laws.

**And be it further enacted**, That the Overſeers for the Time being at a general quarterly Meeting (whereat one half at leaſt of the whole Number of Overſeers ſhall be preſent) ſhall have Power to make needful and reaſonable Orders and By-Laws) not repugnant to the Laws of this Province) for the better and more decent regulating the ſaid Houſe, and well ordering the Affairs of it; which Orders ſhall be binding until the Expiration of the Year for which ſuch Overſeers ſhall be choſen, or until they ſhall be by them revoked: and at ſuch Meeting may likewiſe agree with the Maſter or other Aſſiſtants, and order meet Allowance for their Care and Service during the Term for which ſuch Overſeers ſhall be choſen, or ſuch further Term as the Towns concerned ſhall agree; all other Matters of leſs Importance relating to the ſaid Houſe, may be tranſacted at any other Meetings duly warned, when but ſeven of the Overſeers are preſent; ſubject nevertheleſs to be altered or reverſed at any general ſtated Meeting.

May order a meet Allowance to the Maſter and Aſſiſtants.

By whom and in what Proportion the Allowance to the Maſter and Charge of repairing the Houſe ſhall be defreyed.

**And be it further enacted**, That the yearly Stipend or Allowance to the Maſter and Aſſiſtants over and above what is provided for by this Act for their Care and Trouble, together with the Charge of keeping the Houſe in Repair, ſhall be paid by the ſeveral Towns concerned in Proportion as they are ſet or rated in the Province Tax at the Time when ſuch Repairs ſhall be made, or ſuch Allowance ſtated by the Overſeers, or in ſuch other Proportion as all the Towns concerned ſhall agree, and the Town or Towns refuſing or neglecting to advance their reſpective Proportion of ſuch Allowance or other Charges before mentioned, after they ſhall have been ſtated and adjuſted by the Overſeers, the ſame may be recovered of ſuch delinquent Town or Towns (in any Court proper to try the ſame) by Action to be brought by the Perſon or Perſons whom the Overſeers may appoint for that Purpoſe.

Overſeers of each Town concern'd impowered to commit Perſons to the Work-Houſe.

**And be it further enacted**, That any three or more of the Overſeers in any Town already provided with ſuch a Houſe, and of the Overſeers in any Town that (either by themſelves or in Conjunction with other Towns) ſhall hereafter creat a Work-Houſe, be and they are hereby directed and impowered to commit to ſuch Houſe (by writing under the Hands of the ſaid Overſeers) to be employed and governed according to the Rules and Orders of the Houſe any Perſon or Perſons (reſiding in ſuch Town) that hereafter in this Act are declared liable to be ſent thither: Provided that no greater Number of Perſons belonging to any Town be received into the Houſe than ſuch Town's Proportion of ſaid Houſe (to be allotted them) can accommodate, when the receiving them will exclude or incommode ſuch as belong to other Towns.

Qualification of Perſons liable to be ſent thither.

**And be it further enacted**, That the Perſons who ſhall be liable to be ſent to, employed and governed in any Work-Houſe erected or to be erected by one or more Towns, purſuant to this or any former Act, are all Poor and Indigent Perſons, that are maintained by or receive Alms from the Town; alſo all Perſons able of Body to Work (and not having Eſtate or Means otherways to maintain themſelves) who refuſe or neglect ſo to do, live a diſſolute or vagrant Life, and exerciſe no ordinary or lawful Buſineſs or Calling whereby to gain an honeſt Livelihood; and all ſuch as having ſome rateable Eſtate but not enough to qualify them to vote in Town Affairs, do neglect the due Care and

Improvement

Improvement of it, and by consuming their Time and Money in publick Houses to the Neglect of their proper Business, or by otherways misspending what they earn to the Impoverishment of themselves or Families, are likely to become chargeable to the Town.

Towns neglecting to provide their Proportion of Materials, &c. deprived of the Privilege of sending Persons thither.

**And it is hereby further provided and enacted,** That if any Town shall refuse or neglect to provide their Proportion of the needful Furniture for such House, or of the Materials, Implements and other Necessaries for carrying on the Work there to be performed, according to their Agreement, or as shall be ordered by the Overseers, such Town shall be deprived of the Priviledge of sending any Person thither, until such Time as they shall comply with such Order or Agreement.

The Master to keep the Materials sent by each Town a part from those sent by other Towns.

**And be it further enacted.** That besides the aforesaid Proportion of Materials &c. to be found by the Towns concerned, each Town may likewise provide such Materials, Implements and Tools for Work as the Overseers for such Town shall judge any Person by them committed to said House can be employed about with most Profit and Advantage, during his or her Abode there; and the Master of the House shall receive such Materials and keep them seperate and apart from those that shall be sent by any other Town, and shall be accountable to the Overseers of each Town concerned, as well for the prime Stock as for all Profits and Earnings that shall be made by the Labour of those (belonging to such Town) under his Care; and shall keep a Register of the Names of the Persons committed to such Work-House, with the Time of their being received into and discharged from it, and of their Earnings by their Labour, that so the same may appear to any of the Overseers whensoever they shall see Cause to inspect them; and all Controversies between the Master or Keeper of such House, and the Overseers of any Town touching his Accounts or other Affairs whatsoever, may be determined by the Overseers of the House at a General Meeting.

To be accountable for the prime Stock and Earnings.

To keep a Register, &c.

Controversies betwixt the Master and Overseers of any Town how to be determined.

**And be it further enacted,** That no Town shall be at Charge for the Support or Relief of any Person committed to said House, who was not sent thither by the Overseers belonging to such Town; nor any Person orderly committed to it, shall be discharged from it, but by the Overseers by whom he was committed, or by the Overseers at a General Meeting, or otherwise by the Justices of the Court of General Sessions of the Peace in the same County, upon Application to them made for that Purpose; and every Person so committed (if fit and able to Work) shall be held and kept strictly and diligently employed in Labour, during his or her abode there; and in Case they be idle and shall not duly perform such Task or Stint as shall be reasonably assign'd them, or shall be stubborn and disorderly, shall be punished according to the Orders that shall be made for the ruling, governing and punishing of the Persons there to be committed, not repugnant to the Laws of this Province.

Each Town to bear the Charge of supporting such as they commit to the House.

How Persons committed may be discharged.

Persons committed to be kept to Labour.

In Case they be idle or disorderly, to be punished.

**And be it further enacted,** That one third Part of the Profits or Earnings of the Work done by the Persons detained in such House, shall be to the Master for and towards his Support, over and above such further annual Stipend as the Overseers see meet to order and allow him as before mentioned for his Care and Service.

The Master to have one Third of the Earnings.

**And be it further enacted,** That the prime Stock, together with the other two Thirds of the Profits or Incomes of the Labour of the Persons employed there, shall be disposed of by the Overseers of the respective Towns to whom it belongs, either to the Master in Satisfaction for his Service, Care and Expence about the Persons by them committed to him, and at such Rate as the said Overseers and Master shall agree, or for the Support of the Families of the Persons there detained (if any such they have) or otherwise for the Use of such Town as Occasion shall require.

How the other two Thirds of the Earnings and the prime Stock shall be disposed of.

**And be it further enacted,** That any Work-House erected as aforesaid may be discontinued or applied to any other Use whensoever the Town or Towns concerned shall find or judge their Circumstances require it, and shall agree so to do.

Any Work-House may be discontinued, in Case.

*Provided*

*Provided nevertheleſs*, That nothing herein contained ſhall be conſtrued or underſtood to abridge the Town of *Boſton*, or the Overſeers of the Poor thereof any Priviledge or Power (with Relation to a Work-Houſe) already granted them by a late Law of this Province for that Purpoſe made and provided.

# An Act,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*; Begun and held at *Boſton*, upon Wedneſday the twenty-fifth Day of *May*, 1743. and continued by Adjournment and Prorogation to Thurſday the twentieth of *October* following.

## CHAP. III.

17 G. 2. ca. 6.
18 G. 2. ca. 1.
22 G. 2. ca. 2.
24 G. 2 ca. 4.
28 G. 2. ca. 1.
32 G. 2. ca. 4.

## An Act for the more ſpeedy finiſhing of the Land Bank or Manufactory Scheme.

*WHEREAS notwithſtanding the Directors and Partners of the late Land Bank Company have in general publickly renounced their Scheme, and great Numbers of them have redeemed their juſt Proportions of the ſaid late Company's Bills, and delivered them up to be conſumed, yet many of the Partners ſtill neglect to do it, by Means whereof thoſe who have paid a due Obedience to the Law, in this Regard ſtill remain expoſed to the Actions of the Poſſeſſors of the ſaid late Company's Bills, commonly called the Manufactory Bills, which are now outſtanding, and many of them have ſuffered great Loſs through the Default of their Partners, who contemptuouſly refuſe to redeem their due Proportions of the ſaid Bills*: Preamble.

Now for the more ſpeedy finiſhing of the ſaid Scheme in as equitable a Manner as may be, and preventing ſuch of the Directors and Partners as have complied with the Law from ſuffering Ruin or Damage through the Obſtinacy or Neglect of their delinquent Partners:

Commiſſioners for finiſhing the Land Bank Scheme.

Be it enacted by the Governour, Council and Houſe of Repreſentatives, That *John Jeffries*, *Samuel Danforth*, and *John Chandler*, Eſqrs; be Commiſſioners to receive Commiſſion for the Purpoſes hereafter mentioned from the Governour, and the ſaid Commiſſioners or any two of them, ſhall by Virtue of this Act, have full Power effectually to order and adjuſt all the Affairs and Buſineſs neceſſary for the juſt and equal finiſhing of the ſaid Land Bank and Manufactory Scheme; which Commiſſioners before their entring upon the Execution of the ſaid Truſt, ſhall take the following Oath, *viz.* Their Power.

Commiſſioners Oath.

I A. B. *do Swear, that I will faithfully honeſtly and impartially manage and diſcharge the Truſt repoſed in me by the Commiſſion for ordering and adjuſting all the Affairs neceſſary for the finiſhing of the Land Bank Scheme, without Favour or Affection, Prejudice or Malice, to the beſt of my Skill.*

So help me GOD.

And the ſaid Commiſſioners, or any two of them, ſhall have full Power to call before them and examine upon Oath any Perſons whomſoever, touching the Affairs and Trade of the ſaid late Company, and to order all the Effects, Books, Papers, and Writings, relating to the ſaid Scheme and Trade, to be delivered up to them, that they may diſcover all the Debts and Credits of the ſaid late Company, and the Quantity of their Bills emitted, how many of them are redeemed and conſumed, or lying ready to be conſumed, and by whom they were redeemed, how many are ſtill outſtanding; what Loſs and Charge hath already incurred upon them; and what is the Proportion of every Director and Partner of the ſaid late Company for the Redemption of the outſtanding Bills.

*And*

For preventing fraudulent Conveyances.

*And for preventing any fraudulent Alienations or Conveyances of the Eſtates of ſuch of the aforeſaid late Directors and Partners, who have not redeemed their juſt Proportions of the ſaid Bills, in order to defraud the ſaid late Company's Creditors, and avoid the Effect of this Act:*

Commiſſioners Power.

Be it further enacted, That from and after the Publication of this Act the Eſtate of each and every ſuch Director and Partner ſhall be thereby bound and ſubjected to the Payment of ſuch Sum or Sums of Money as ſhall be aſſeſſed upon him by the ſaid Commiſſioners, or any two of them, with the Approbation and Allowance of the Great and General Court of this Province (as is herein after mentioned) for the Redemption of their reſpective Proportions of the Bills of the ſaid late Company, and their equitable Part and Share of all Loſs and Charges ariſing by the ſaid Scheme, in ſuch Manner as the ſame or any Part of it would be bound and ſubjected by the actual Service of Proceſs of Attachment upon it at the Suit of any Creditor, according to the ordinary Courſe of the Law, and the Uſage within this Province: And the ſaid Commiſſioners or any two of them, are hereby enabled in their own Names to demand and receive ſuch Sums of Money as ſhall be ſo aſſeſſed upon any of the delinquent Directors or Partners, and allowed by the General Court as aforeſaid, and alſo to raiſe the ſame by mortgaging in their own Names that Part of any delinquent Directors or Partners Eſtate which he had mortgaged to the ſaid late Company for Performance of his Covenants and Agreements with them: or, if need be in their own Names to ſue for and recover the aforeſaid Sums or any Part thereof, in any of His Majeſty's Courts within the County of *Suffolk*, by ſuch Actions as the Nature of the Caſe ſhall require: And the ſaid Commiſſioners, or any two of them, are hereby likewiſe enabled in their own Names to demand and receive of and from any Perſon or Perſons whatſoever, any Money, Goods or Effects whatſoever, due or owing from them to the ſaid late Land Bank Company, and if need be in their own Names to ſue for and recover the ſame in any of His Majeſty's Courts within the County of *Suffolk*, by ſuch Action as the Nature of the Caſe ſhall require; and ſhall apply all ſuch Sums of Money, Goods and Effects as they ſhall receive and recover of and from the ſaid delinquent Directors and Partners, and the Debtors of the ſaid late Company, or any of them, together with ſuch Sums of Money as they ſhall raiſe by mortgaging the aforeſaid Eſtates of the ſaid delinquent Directors and Partners, or any of them, towards the Redemption of the outſtanding Bills of the ſaid late Company, and ſhall from Time to Time give publick Notice in the *Boſton Gazette*, of what Sums of Money they ſhall ſo receive, that the Poſſeſſors of the ſaid Bills may bring the ſame in to them, to be redeemed: And the ſaid Commiſſioners, or any two of them, are hereby enabled equitably to apportion whatſoever Loſs ſhall finally appear to ariſe by the ſaid Scheme or Trade to the ſaid late Company in general, or to any of the ſaid Directors or Partners in particular, either thro' the Inſolvency of any of the ſaid late Directors and Partners, or by Means of the Charge attending the ſaid late Manufactory Scheme, or otherwiſe howſoever, among the ſaid late Directors and Partners in general, as the Juſtice of the Caſe ſhall require, ſo as that each of them may bear as near as may be his equitable Proportion of the Loſs and Burthen ariſing by their ſaid late Scheme or Trade; and are hereby enabled in their own Names to demand, ſue for and recover in any of his Majeſty's Courts within the County of *Suffolk*, in ſuch Manner as is aforeſaid, of and from each and every of the ſaid late Directors and Partners, ſuch Sum and Sums of Money as ſhall be ſo aſſeſſed upon any of them, with the Approbation and Allowance of the Great and General Court for their reſpective Shares of the aforeſaid Loſs and Burthen from Time to Time, till the aforeſaid Scheme ſhall be finiſhed, and thereupon all the ſaid Manufactory Bills which ſhall be received by the ſaid Commiſſioners ſhall be burnt, and the Plates of the ſaid late Company from whence they were ſtruck, be defaced and broken, and all the Securities given by any of the ſaid late Directors and Partners to the ſaid late Company, ſhall be cancelled by the ſaid Commiſſioners, or any two of them, in their own Names.

*Provided*

*Provided always*, That this Act shall not be adjudged or construed to be intended to hinder the Possessors of any of the Manufactory Bills from making the same Demands upon any of the late Directors and Partners of the said late Manufactory Company for the Redemption of the said Bills, as they might have made upon them before the Publication of this Act; and that the Estates of the said Directors and Partners shall be as liable to be attach'd at such Suits of the Possessors of the said Bills, or of any other just Creditor, as they were before the making of this Act; any Thing herein contained to the contrary thereof in any wise notwithstanding. Directors and Partners liable to the Suits of the Possessors of the Bills and others.

*Provided also*, That the said Commissioners shall make a Report of their Proceedings in the Execution of their aforesaid Trust, to the Great and General Court at their Session which will begin and be held in *May* next, for their Approbation and Allowance or Disallowance thereof either in Whole or in Part, and that any of the said late Directors and Partners who shall think himself aggrieved by such Proceedings of the said Commissioners, may file his Appeal from their Determination to the said Court at their aforesaid Session in the Secretary's Office, at any Time before the said Session of the said Court, and in Case the Receipt of any Sum in the said Manufactory Bills charged upon any of the said late Directors and Partners by the said Commissioners shall be denied in such Appeal, or the Redemption of any of the said Bills or the Payment of any Sum of Money to the said late Company, for which no Allowance has been made by the Commissioners, shall be insisted upon in such Appeal, or any Person upon whom the Commissioners shall assess any Sum of Money to be paid, shall deny in such Appeal that he was either a Partner or Director, or any Ways concerned in the said late Manufactory Scheme, and the Appellant in any of these Cases pray that a feigned Issue at Law may be directed to be tried for the Determination of any of the said Matters of Fact in one of His Majesty's Courts of Judicature, then the Great and General Court shall upon the Appellant's depositing *ten Pounds* lawful Money in the Secretary's Office as Caution Money for the Payment of Costs, if the Verdict upon the Trial of such Issue shall be found against him, direct an Issue at Law accordingly, to be tried at the Superiour Court of Judicature to be held for the County of *Suffolk* next after such Order made; which Trial shall be a final Determination of such Matter: And in Case the Verdict in the same shall be for the Appellant, then his aforesaid Caution Money deposited in the Secretary's Office, shall be returned to him: And the Clerk of the Superiour Court of Judicature is hereby directed to return a Copy of the Record of such Trial into the Secretary's Office as soon as may be, for the Information of the Great and General Court therein, which shall thereupon proceed to the Determination of the Appeal. Provision for an Appeal to the Governor and Council. Matters to be tried in the Superiour Court. Caution to be given in the Secretary's Office.

**And be it further enacted**, That all Mortgages of any Lands or Tenements of any of the said late Directors or Partners made by the said Commissioners, or any two of them as aforesaid, shall be good and effectual to all Intents and Purposes in the Law; and the former Mortgages thereof made by the Owners to the said late Company, shall be thereupon cancelled and discharged by the said Commissioners, or any two of them, in their own Names. Mortgages to be made by the Commissioners to be good.

*And whereas several Parcels of the said Manufactory Bills may be lodged in some or other of His Majesty's Courts of Judicature within this Province, upon Judgments obtained there by some of the Possessors of such Bills against some of the Directors or Partners of the late Land Bank Company, for the Redemption of the said Bills:* Preamble.

**Be it further enacted**, That the Justices of such Courts shall within thirty Days after the Publication of this Act cause such Bills to be delivered up to the aforesaid Commissioners, with a Certificate of the Names of the Possessors who lodged the said Bills in Court, and of the Directors or Partners of the said late Company against whom Judgment was obtained for the Redemption of the said Bills. Bills lodged in the Courts to be delivered to the Commissioners.

Allowance to the Commissioners.

And the said Commissioners shall be allowed each *ten Shillings* for every Day of their Attendance upon the Execution of their said Trust, and no more, to be paid by the late Directors and Partners of the aforesaid Scheme, as also all other necessary Charges which they may be at in prosecuting the Affair aforesaid, out of the Effects of the said late Company, and shall render an Acount of their Proceedings to the Great and General Court, when and so often as thereunto required, and shall sit three Days at least in a Week for the Dispatch of said Business, until the same shall be finished.

Provision in Case of a Vacancy.

**And be it further enacted**, That in Case of the Death or Refusal of any of the Commissioners aforesaid, such Vacancy shall be supply'd by the Great and General Court.

## Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston*, upon Wednesday the twenty-fifth Day of *May* 1743. And continued by Adjournment and Prorogations to Wednesday the eighth Day of *February* following.

### CHAP. IV.

### An Act to impower Justices of the Peace to summon Witnesses.

Preamble.

*WHEREAS it often happens that when Disputes of a civil Nature arise between Parties, the Matter is submitted to the Arbitrament and Determination of Persons mutually chosen between them, or where Actions are commenced the Parties enter into a Rule of Court, whereby much Cost and long Contentions in the Law are prevented, but for want of proper Authority to summon Witnesses before the Arbitrators and Referees, such Submissions References and peaceable Settlements of Disputes are not so easy as otherwise they might be:* Wherefore,

Justices impowered to summon Witnesses in Arbitrations, References &c.

**Be it enacted by the Governour, Council and House of Representatives**, That when any such Dispute or Difference arising between Parties shall by them be submitted to the Arbitrament and Determination of Persons mutually chosen between them, or where Actions are commenced and the Parties have entred into a Rule of Court, it shall and may be lawful for any one of His Majesty's Justices of the Peace within this Province in the respective Counties, on Application of either of the Parties or of the Persons arbitrating, to grant Subpœnas to summon and cause to appear before the Arbitrators or Referees such Person or Persons as shall be named for Evidences in the Premises, as fully and in the same Manner as by Law he might in Cases depending before himself; and every Person so summoned that shall refuse or neglect to appear and make Oath before a Justice of the Peace in the Presence of the Arbitrators or Referees as aforesaid (having first been paid as in civil Causes is allowed to Witnesses) shall be subject to the same Forfeiture and Damage as by Law he might be were he summoned to appear before any Court of Record, and should refuse or neglect Obedience thereto.

Penalty for Witnesses refusing to give Evidence.

How Witnesses going abroad are to be sworn.

**And be it further enacted**, That when any Witness may be going to Sea, or lives more than thirty Miles from the Place of the Sitting of the Referees or Arbitrators, or by Reason of Age, Sickness or other bodily Infirmities is uncapable of travelling and appearing in Person, then any Justice of the Peace to whom Application may in such Case be made, is hereby impowered and directed to proceed in taking such Person's Evidence according to the Law made for taking Affidavits out of Court.

CHAP.

## CHAP. V.

## An Act in Addition to an Act made in the fifteenth Year of his present Majesty's Reign, Intituled *An Act in Addition to an Act made to prevent the Destruction of the Fish called* Alewives *and other Fish.* 15 G. 2 ca. 6.

Preamble. WHEREAS *in and by an Act made in the fifteenth Year of his present Majesty's Reign, Intituled* An Act in Addition to an Act made to prevent the Destruction of Alewives and other Fish, *it is provided, That all Persons that should thereafter build any Mill Dam or Dams, or that had before the Time of the passing the same built any such Dam across any River or Stream where the* Salmon, Shad, Alewives *or other Fish usually pass up into the natural Ponds to cast their Spawn, shall make or open a sufficient Passage Way for the Fish to pass up such River or Stream through or round such Dam, and shall keep it open for the free Passage of the Fish from the first Day of* April *to the last Day of* May *annually*; *and also that a sufficient Water Passage round, through or over such Dams should be made for the Passage of such Fish or their young Spawn in the Season of their going down such River or Stream, on Penalty of* fifty Pounds *for every Offence: But by Reason that no Direction is therein given with respect to the sufficiency of the Sluice or Passage so to be made or left open, there arises great Difficulty to the Owner or Occupant of such Dams in complying therewith. And whereas by Reason that in some Streams and Rivers the said Fish pass sooner and in others later in the Year than the Time prescribed in said additional Act, as well as that the Time of their passing up and down, is in some Streams and Rivers longer, and in some shorter, so that it is found by Experience that the general Rule in the aforesaid Cases by Law provided, does not only fail of the good Ends proposed thereby, but also exposes the Owners and Occupants of such Dams to Trouble and Damage not necessary to answer the good Purposes of said additional Act:*

Wherefore,

Owners or Occupants of Dams may apply to the Sessions to order the Passages for Fish & the Circumstances thereof. Be it enacted by the Governour, Council and House of Representatives, That it shall and may be lawful for any Owner or Occupant of any such Dam or Dams already built, or that may hereafter be built, and who are or may be obliged by said additional Act to open or leave open such Passage as aforesaid to apply to the next Court of General Sessions of the Peace to be holden in and for the County where such Mill Dam is, and the Justices of the Court respectively on such Application are impowered and directed to appoint a Committee of three sufficient and as much as may be, disinterested Persons under Oath, to repair to the Dam where the Passage is proposed to be opened, and carefully view the same, and in the best Manner they are able to inform themselves of the most proper Place for the Passage of such Fish up and down Stream, of what Dimensions the same shall be made or appointed to be, and what Part of each Year, and how long the same shall be kept open, and return the same under their Hands, or the Hands of the major Part of them, to the said Court for their Acceptance: which Return so made and accepted, shall be deemed and adjudged the lawful Rule of Proceeding in making and keeping open the Passage and Passages for the Fish in passing up and down the Rivers and Streams for the future: Any Thing contained to the contrary in said additional Act notwithstanding.

Parties aggrieved by such Order to apply to the Sessions for Relief. *Provided nevertheless*, That if at any Time after such Determination either Party shall think themselves aggrieved by such Determination, it shall and may be lawful for the Owner or Owners, Occupant or Occupants of such Mill Dam or Dams, or any other five Persons of the other Party who may expect Benefit by said Fish passing up such Rivers or Streams once more to apply to the said Court for a new View and Report on the Premises in Manner aforesaid, which being by said Court accepted shall be final; the Charge of such Application

Charge how to be born:

to be born by the Perſons applying in Caſe no material Alteration on the firſt Return is made, but otherways be born by the Owners of the Dam, in Proportion to their Intereſt, to be firſt ſtated and allowed by the ſaid Court of General Seſſions, and may be recovered by Action or Actions of Debt in any Court proper to try the ſame.

## Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and held at *Boſton* upon Wedneſday the twenty-fifth Day of *May*, 1743. And continued by Adjournment and Prorogations to Wedneſday the eighth Day of *February* following.

### CHAP. VI.

### An Act to explain a Paragraph in an Act of this Province made in the preſent Year of his Majeſty's Reign, for the more ſpeedy finiſhing the *Land Bank* or *Manufactory Scheme*.

17 G. 2. ca. 3.

Preamble.

*WHEREAS in and by an Act made and paſs'd at the Seſſion of this Court held the twentieth Day of* October *laſt Intituled* An Act for the more ſpeedy finiſhing the *Land Bank* or *Manufactory Scheme, it is* (*among other Things*) *provided that the ſaid Act* " ſhall not be adjudged or " conſtrued to be intended to hinder the Poſſeſſors of any of the Manufactory " Bills from making the ſame Demands upon any of the late Directors and " Partners of the ſaid late Manufactory Company for the Redemption of the " ſaid Bills, as they might have made upon them before the Publication of the " ſaid Act, and that the Eſtates of the ſaid Directors and Partners ſhall be as " liable to be attached at ſuch Suits of the Poſſeſſors of the ſaid Bills or of any " other juſt Creditor, as they were before the making of the ſaid Act, any Thing " therein contained to the contrary thereof in any wiſe notwithſtanding." *And in and by another Clauſe of the ſaid Act it is enacted,* " That *whereas ſeveral Parcels of the ſaid* Manufactory Bills *may be lodged in ſome or other of His Majeſty's Courts of Judicature within this Province upon Judgments obtained there by ſome of the Poſſeſſors of ſuch Bills againſt ſome of the Directors or Partners of the late* Lank Bank *Company for the Redemption of the ſaid Bills*; The Juſtices of the ſaid Courts ſhall within thirty Days after the Publication of that Act cauſe ſuch Bills to be delivered up to the aforeſaid Commiſſioners with a Certificate of the Names of the Poſſeſſors who lodged the ſaid Bills in Court, and of the Directors or Partners of the ſaid late Company againſt whom Judgment was obtained for the Redemption of the ſaid Bills."

*And whereas it may have happened that ſome of the Poſſeſſors of the ſaid* Manufactory Bills *who had before the making of the aforeſaid Act obtained Judgments in ſome or other of His Majeſty's Courts of Judicature within this Province againſt ſome of the Directors or Partners of the ſaid late Manufactory Company for the Value of ſome of the ſaid Bills and Intereſt due thereon, purſuant to the Act of Parliament in that Caſe made and provided, and had thereupon lodged ſuch Bills in the Court where they had obtained ſuch Judgments, but had not then nor have yet received Satisfaction upon thoſe Judgments.*

*And whereas ſome Doubt has ariſen whether the Juſtices of His Majeſty's Courts of Judicature where any of the ſaid Manufactory Bills are lodged as aforeſaid, are not directed and bound by the laſt recited Clauſe of the aforeſaid Act of this Court to deliver up all the ſame without Exception to the aforeſaid Commiſſioners, as well in Caſes where the late Poſſeſſors of the ſaid Bills who have obtained Judgment in their Court for the Value of the ſame and Intereſt due thereon with Coſt of Suits, have not received full Satisfaction upon ſuch Judgments*

*Judgments, as in Cases where they have received Satisfaction upon the same; Which Construction of the said Clause is contrary to and inconsistent with the plain Sense of the herein before first recited Clause of the same Act, and to the Intent and Meaning of the said Act in general.*

Now for removing the said Doubt and preventing any Misconstruction of the said Act in the Case before mentioned:

Manufactory Bills that for which Value has been received only to be deliver'd to the Commissioners.

**Be it enacted and declared by the Governour, Council and House of Representatives,** That the true Intent and Meaning of the herein before recited Clauses of the aforesaid Act for the more speedy finishing of the *Land Bank* or *Manufactory Scheme*, was at the Time of passing the said Act, and shall be adjudged, construed and taken to be, that such only of the said *Manufactory* Bills, for the Value of which Judgments as aforesaid have been obtained, and the late Possessors have received full Satisfaction according to such Judgments, and it so appears by the Records of the said Courts, shall be delivered out of any of the said Courts of Judicature to the aforesaid Commissioners: Any Thing in the afore-recited Act to the contrary notwithstanding.

## CHAP. VII.

## An Act to enable Justices of the Peace and Town Clerks to administer an Oath to Sealers of Weights and Measures, &c. and to establish their Fees.

4 *W. & M.* ca. 14.

Preamble.

*WHEREAS by Law it is provided, that Sealers of Weights and Measures when chosen shall be presented to the Court of General Sessions of the Peace to be sworn, which by Reason of the Distance of many Towns in this Province from any such Court, often occasions great Delay and unnecessary Trouble:*

For preventing of which for the future:

Justices of Peace and Town Clerks to administer the Oath to Sealers of Weights and Measures.

**Be it enacted by the Governour, Council and House of Representatives,** That from and after the Publication of this Act, it shall and may be lawful for any one of his Majesty's Justices of the Peace in the respective Counties to administer an Oath to any Sealer of Weights and Measures that may be chosen (as by Law already provided) in any Town within the County where such Justice lives, or the Town Clerk in such Towns where no Justice dwells, and such Sealer so chosen and sworn shall be deemed legally qualified for his Trust.

*And whereas in the late Law for establishing Fees no Provision is made for such Offices, and by the Alteration of the Value of Money, the former Fees are become unequal:*

Fees for Sealers fixed.

**Be it enacted,** That for the future the Fees for the first Sealing any Weight, Measure, Scale or Beam, shall be *one Penny half Penny*, and for each After-sealing any such Weight, Measure, Scale or Beam, *one Penny*, which the Sealer may demand and take, and no more: Any Law, Usage or Custom to the contrary notwithstanding.

AN

# An Act,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*; Begun and held at *Boſton*, upon Wedneſday the thirtieth Day of *May*, 1744. And continued by Adjournment to Thurſday the ninth Day of *Auguſt* following.

## CHAP. I.

## An Act in further Addition to and Explanation of the Act for the more ſpeedy finiſhing of the Land Bank or Manufactory Scheme.

17 G. 2. ca. 3

Preamble.

*WHEREAS in and by an Act paſſed in the ſeventeenth Year of his preſent Majeſty's Reign, Intituled* An Act for the more ſpeedy finiſhing of the Land Bank or Manufactory Scheme; *it is provided, that the Commiſſioners therein named, ſhould make a Report of their Proceedings in the Execution of their Truſt to this Court at their preſent Seſſion for their Approbation and Allowance, or Diſallowance thereof, either in Whole or in Part, and that any of the late Directors and Partners of the late* Land Bank *or* Manufactory *Company, who ſhould think himſelf aggrieved by the Proceedings of the ſaid Commiſſioners, might file his Appeal from their Determination to this Court in the Secretary's Office at any Time before the preſent Seſſion thereof.*

*And whereas the Affairs of the ſaid late Company have been ſince found to be ſo circumſtanced, that an Aſſeſſment on all the late Directors and Partners for their reſpective Proprotions of the whole of the Charge and Loſs that has ariſen on ſaid Scheme and Trade could not be made before the preſent Seſſion of this Court; but the ſaid Commiſſioners have, during the preſent Seſſion thereof, aſſeſſed ſuch of the delinquent Partners in ſaid Scheme as have paid no Part of what is due from them to the ſaid late Company, nor have otherwiſe redeemed any Part of the Bills which they borrowed and received of the ſaid late Company, in divers Sums of Money, conſiſting of the principal Sums by the ſaid delinquent Partners reſpectively received from the ſaid late Company in* Land Bank *or* Manufactory Bills, *and the Intereſt due thereon, together with the further Sums of* ſix Pounds *on every Hundred of the original Sum drawn out of the ſaid late Company's Stock, or borrowed out of the ſame by ſuch of the ſaid aſſeſſed Partners as were concerned in Trade, and* three Pounds *on the Hundred, as the Proportion of the other aſſeſſed Partners and* pro ratâ *for any greater or leſs Sum; and have made a Report of their ſaid Proceedings to this Court, which Report is dated* 16th *of* Auguſt 1744. *But inaſmuch as the Parties ſo aſſeſſed have had no Opportunity, in Caſe they ſhould think themſelve aggrieved by the ſaid Proceedings, of filing their Appeal from the aforeſaid Determination of the ſaid Commiſſioners to this Court, at their preſent Seſſion, as in and by the before in Part recited Act it is provided they ſhould have Liberty to do:*

Appeal allow'd to the Partners of Land Bank to the General Court from the Commiſſioners Determinations.

**Be it therefore enacted by the Governour, Council and Houſe of Repreſentatives,** That the ſaid Partners of the ſaid late Manufactory Company, who have been aſſeſſed by the ſaid Commiſſioners in Manner aforeſaid, and every of them ſhall have Liberty, in Caſe they or any of them ſhall think themſelves aggrieved by the before-mentioned Determination and Aſſeſsment to appeal from the ſame to this Court at their next Seſſion, provided they ſhall file ſuch Appeal or Appeals in the Secretary's Office on or before the ſeventh Day of *September* next enſuing, and ſuch Appeals and the Matters ariſing thereon ſhall be wholly governed, tried and determined by the Rules preſcribed touching Appeals by the ſaid in Part recited Act. And the aforeſaid Proceedings of the ſaid Commiſſioners,

ners, and every Part thereof, are hereby declared to be allowed and approved of by this Court againſt ſuch of the Partners aſſeſſed as aforeſaid, who ſhall not file their Appeals from the ſame as aforeſaid, within the Term herein before limitted for that Purpoſe: And ſuch of the ſaid Partners ſhall be chargeable to pay to the ſaid Commiſſioners the reſpective Sum or Sums aſſeſſed upon them; and on Neglect of Payment thereof, the ſaid Commiſſioners may in their own Names raiſe, ſue for, and recover the ſame in ſuch Manner as in and by the ſaid former Act is provided.

Commiſſioners to give Notice of their Aſſeſſments in the *Boſton* NewsPapers.

*Provided nevertheleſs*, That the ſaid Commiſſioners ſhall give Notice to the late Partners of the late Manufactory Company by them aſſeſſed as aforeſaid, of the ſeveral before mention'd Aſſeſsments, by cauſing a Liſt or Schedule of the ſame, together with a Copy of this Act, to be inſerted in the four weekly Prints, called, The *Boſton Weekly Poſt-Boy*, The *Boſton Evening-Poſt*, The *Boſton Gazette*, or *Weekly Journal*, and The *Boſton Weekly News-Letter*, which ſhall be next publiſhed after the Publication of this Act.

Preamble.

*And whereas the Affairs of the ſaid late Company are under ſuch Circumſtances that the ſame cannot be adjuſted and finiſhed in an equitable Manner by one ſingle Aſſeſsment, but divers Aſſeſsments by the ſaid Commiſſioners on the late Directors and Partners of the ſaid late Company, and divers Reports of their Proceedings to this Court, are requiſite for that Purpoſe:*

Commiſſioners to make divers Aſſeſsments if they judge fit.

Be it further enacted, That the ſaid Commiſſioners, or any two of them, ſhall and may from Time to Time, until the Affairs of the ſaid late Company be wholly ſettled and finiſhed, as often as there ſhall be Occaſion, make ſuch Aſſeſsments on any of the ſaid late Directors and Partners as they ſhall judge neceſſary for finiſhing the ſaid Land Bank or Manufactory Scheme in the moſt equitable Manner, purſuant to the Directions of the ſaid in Part recited Act; and upon every ſuch Aſſeſsment's being made, the ſaid Commiſſioners ſhall give the Parties thereby aſſeſſed Notice thereof, by cauſing Liſts or Schedules of ſuch Aſſeſsments to be inſerted in the before-mention'd Weekly Prints, which ſhall be next publiſhed after the making the ſaid Aſſeſsment; and that any of the ſaid late Directors or Partners, who ſhall think himſelf aggrieved by any ſuch Determination and Aſſeſsment, to be made by the ſaid Commiſſioners, may at any Time within fourteen Days next after, Notice thereof being publiſhed in the four before-mention'd weekly Prints, file his Appeal from the ſame to this Court in the Secretary's Office; and all ſuch Appeals, and the Matters ariſing thereon, ſhall be wholly governed, tried and determined by the Rules preſcribed touching Appeals by the ſaid in Part recited Act.

Appeal to be allow'd from them.

Aſſeſſment to be lodged in the Commiſſioners Chamber.

And be it further enacted, That every further Aſſeſsment made by the ſaid Commiſſioners, ſhall remain in the Chamber of the Court-Houſe in *Boſton*, wherein the ſaid Commiſſioners uſually meet for the Execution of their Truſt, until the Expiration of the ſaid fourteen Days herein before limited for the filing of Appeals, ready for the Inſpection of ſuch of the Parties therein aſſeſſed as ſhall deſire the ſame, and Copies thereof atteſted by the Clerk of the ſaid Commiſſioners ſhall be delivered to them upon their Requeſt, and at their proper Charge; and that the ſaid Commiſſioners ſhall make Report of their Proceedings in every ſuch Aſſeſsment to this Court as ſoon afterwards as may be, for their Approbation and Allowance or Diſallowance thereof, in Whole or in Part; and each and every of the ſaid late Directors and Partners ſhall be chargeable to pay to the ſaid Commiſſioners the Sum or Sums in which he or they ſhall be from Time to Time aſſeſſed by the ſaid Commiſſioners, with the Approbation of this Court, and on Neglect of Payment thereof, the ſaid Commiſſioners may in their own Names raiſe, ſue for, and recover the ſame in ſuch Manner as by the ſaid former Act is provided.

Directors and Partners chargeable to pay the Sums aſſeſſed.

Commiſſioners impowered to ſue.

Copies of Aſſeſsments to be delivered out of the Secretary's Office.

And be it further enacted, That atteſted Copies of the Aſſeſsment herein before-mentioned to be already made by the ſaid Commiſſioners, ſhall be delivered out of the Secretary's Office to any of the Parties therein aſſeſſed upon their Requeſt and at their proper Charge.

*And*

Preamble. *And whereas in and by the before mentioned Act, the said Commissioners are obliged to sit three Days in a Week for the Dispatch of the Affairs of said Scheme, until the same shall be finished: And whereas their Attendance for so great a Part of the Week may not be necessary after they shall have made their next Assessment, and reported the same:*

Commissioners not obliged to sit more than one Day in the Week. Be it therefore enacted, That the said Commissioners shall not be obliged (after they shall have presented their next Assessment on the aforesaid Manufactory Company to this Court for their Allowance) to sit more than one Day in a Week, unless when they shall judge that the Affairs of said Company shall require more frequent Attendance.

## Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and held at *Boston* upon Wednesday the thirtieth Day of *May*, 1744. And continued by Adjournment and Prorogations to Wednesday the twenty-eighth Day of *November* following.

### CHAP. II.

### An Act in further Addition to an Act ascertaining the Value of Money, and of the Bills of publick Credit of this Province.

15 G. 2. ca. 4.

Preamble: *WHEREAS notwithstanding the Provision that is made in and by an Act pass'd in the fifteenth Year of his present Majesty's Reign* (*intituled* An Act to ascertain the Value of Money, and of the Bills of publick Credit of this Province, granted this present Year for the Supply of the Treasury, and for securing the Credit of said Bills) *for securing to any Creditor or Creditors what the Bills of Credit might sink or depreciate in their Value between the Time of contracting the Debt and the Payment thereof, it has been a frequent Practice for Creditors to exact and take of their Debtors for the Loan of any Sum or Sums of Money lent, and for Forbearance of their Debts, more than six* per Cent; *by which Practice some of the good and wholesome Laws of this Province, and the equitable Intent and Designs of them are eluded, and great Oppression and Injustice introduced, to the Reproach of this Government:*

Now, for the Prevention thereof for the future:

No Allowance to be made for the depreciating of the Bills where any Thing has been allow'd already for it. Be it enacted by the Governour, Council and House of Representatives, That in all Actions hereafter to be brought for the recovering any Debt or Sum due upon Bond, or otherwise contracted and payable in Bills of Credit since the thirty first Day of *March* One Thousand seven Hundred and forty two, or that may be contracted within five Years of that Date, if the Debtor will tender his Oath in Court that the Creditor has received any Thing for the Loan or Forbearance of such Debt either in Money, Bills, Goods, or by any new Bond, Bill, Note of Hand, Order, or under Colour of being paid for any Service or Thing, or by keeping back any Part of the Sum specified to be paid in the Condition of any Bond or other Specialty, or by any other Way or Means whatsoever, either directly or indirectly, more than *six Pounds* for the Loan or Forbearance of *one Hundred Pounds* for a Year, and so after that Rate for a greater or less Sum, or for a longer or shorter Time, then and in such Case, unless the Owner will make Oath to the contrary, Judgment shall be made up only for the exact nominal Sum received by or due from the Debtor (with lawful Interest for the same, if it be payable with Interest) but if the Creditor will tender and actually give his Oath as aforesaid, then Judgment shall be entred up for the full Value of said Debt, as it was at the Time of contracting the same.

*And*

*And whereas there may be Debts and Sums payable in Bills of Credit or lawful Money yet due and owing from Man to Man, that were contracted before the said thirty first Day of* March *One Thousand seven Hundred and forty two, and no Provision made in the Law for making good to the Creditors what the Bills, in which such Debts or Sums might be discharged, have depreciated or fallen: And inasmuch as it appears just and equal that the Loss and Damage arising to such Creditors by the falling and depreciating of the Bills of Credit since the said thirty first Day of* March, *should be made good:* Preamble.

Be it further enacted, That in all such Cases it shall be in the Power of the Justices of the several Courts within this Province, to make up Judgment for such additional Sum or Sums as the said Bills shall be found to have depreciated from the said thirty first Day of *March*, until the Time of making up such Judgment, but not for any other or longer Time; in which Judgment the same Rule shall be observed as in Case of Debts contracted after the said thirty first Day of *March*, as in this Act is before provided; saving always to the Debtor the same Relief in Case he has in any Manner or Way, directly or indirectly paid or allowed more than *six per Cent.* as aforesaid, as is provided for him in this Act respecting any Debt or Sum that was contracted or agreed upon after the said thirty first Day of *March*. Provision for making good the Value of the Debts before *March* 31. 1742.

*And whereas many of His Majesty's Subjects in this Province, from an Apprehension that the Bills of Credit of the new Tenor were to be valued, taken and esteemed as lawful Money, from which Apprehensions many Persons have obliged themselves by their Bonds and otherways, to pay lawful Money where nothing but said Bills were received, or Goods for which the Creditor would have received Bills in Payment, nor was any Thing else intended or expected by either Party at the Time of contracting the Debt; notwithstanding which, some of the executive Courts of this Province have, contrary to the Expectation and Intention of the Parties as aforesaid, made up their Judgments on said Debts for lawful Money only, and construed the same not to be payable in said Bills, whereby the Debtor has been capable of discharging or satisfying the Execution only with Silver, the extream Scarcity of which renders it almost impracticable to satisfy the Debt without paying such additional Sum to the Creditor as he will be pleased to take in said Bills, much to the Debtor's Oppression, which this Government ought to prevent:* Preamble.

Wherefore,

Be it enacted, That when any Sum or Sums of Money, due or contracted for since the first Emission of the said New Tenor Bills in the Year One Thousand seven Hundred and forty one, or that shall be contracted for within the Space of five Years from that Date, on Bond, Bill, Note, or otherwise, whether with Interest or without, if the Debtor will tender his Oath that he received of the Creditor no Silver on which said Debt or Sum then sued for arose, or that it was not agreed by the Parties that Silver should be paid in Discharge of such Debt or Sum due, that then and in every such Case, unless the Creditor will *bonâ fide* make Oath that Silver was received or agreed for, and understood, and intended to be paid by the Parties at the Time of contracting the said Debt or Agreement for the Sum sued for, the Judgment shall be given for Bills of Credit or lawful Money at the Debtor's Election, allowing in such Judgment for what the said Bills may have depreciated from the thirty first Day of *March* One Thousand seven Hundred and forty two, to the Time the Judgment is made up. Judgment to be given only for Bills where Silver was not lent or received.

*Saving always*, To the Debtor the same Relief in Cases of this Nature which is by this Act already provided for him, where more than *six per Cent.* has been paid for the Loan or Forbearance of any Sum as aforesaid. Saving.

## CHAP. III.

10 *A.* ca. 2. 25 *G.* 2. ca. 2.

## An Act for the more speedy Extinguishment of Fire, and preserving Goods indangered by it.

Preamble.

*WHEREAS the Contiguity or Nearness of Houses in many Towns in this Province makes it difficult when they accidentally take Fire, to preserve them, and prevent its spreading, by Reason of the Inhabitants being terrified by so grievous a Calamity, and the Want of proper Persons appointed to direct such as may be ready to assist: And moreover ill-minded Persons take the Advantage of the Hurry and Confusion attending such Accidents to plunder, and to embezzle the Goods of their distressed Neighbours:*

Wherefore,

All Towns impowered to chuse Fire Wards.

**Be it enacted by the Governour, Council and House of Representatives,** That the several Towns within this Province may, if they see fit, at their anniversary Meeting in *March* annually appoint a suitable Number of Persons (not exceeding ten) who shall be denominated Fire-Wards, and have each for a distinguishing Badge of the Office, a Staff of five Feet long, painted Red and headed with a bright Brass Spire six Inches long.

Their Duty.

And the Fire-Wards aforementioned are hereby required, upon Notice of the breaking forth of Fire, (taking with them their Badges respectively) immediately to repair to the Place, and vigorously exert themselves in requiring and procuring Assistance to extinguish and prevent the spreading of the Fire, and for the pulling down or blowing up any Houses, or any other Service relating thereto, as they may be directed by two or three of the cheif civil or military Officers of the Town, to put a Stop to the Fire, and in removing Houshold Stuff, Goods and Merchandizes out of any Dwelling Houses, Store-Houses, or other Buildings actually on Fire, or in Danger thereof, in appointing Guards to secure and take Care of the same, and to suppress all Tumults and Disorders. And due Obedience is required to be yielded to them, and each of them accordingly for that Service.

Penalty for refusing to assist them in extinguishing of Fire.

And all Disobedience, Neglect or Refusal in any, shall be informed of to some of His Majesty's Justices of the Peace within two Days next after, and the Offenders therein upon Conviction thereof before any two Justices *Quorum Unus*, shall forfeit and pay the Sum of *forty Shillings* each, to be levied and distributed by the Discretion of the Select-Men among the Poor most distressed by the Fire: And in Case the Offender or Offenders are unable to satisfy the Fine, then to suffer ten Days Imprisonment.

Penalty for Persons purloining or concealing Goods sav'd from the Fire.

**And be it further enacted,** That if any evil-minded Persons shall take Advantage of such Calamity to rob, plunder, purloin, embezzle, convey away or conceal any Goods, Merchandizes or Effects of the distressed Inhabitants, whose Houses are on Fire, or endangered thereby, and put upon removing their Goods, and shall not restore and give Notice thereof to the Owner or Owners, if known, or bring them into such publick Place as shall be appointed and assigned by the Governour and Council, within the Space of two Days next after Proclamation made for that Purpose; the Person or Persons so offending, and being thereof convicted, shall be deemed Thieves, and suffer the utmost Severities of the Pains and Penalties by Law provided against such.

CHAP.

# Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the twenty-ninth Day of *May*, 1745. And continued by Adjournments and Prorogations to Wednesday the eleventh Day of *December* following.

## CHAP. I.

## An Act in Addition to an Act, Intituled *An Act directing how Rates and Taxes to be granted by the General Assembly, as also County Town and Precinct Rates shall be assessed and collected*; made and passed in the fourth Year of his present Majesty's Reign.

Preamble. 4 G. 2. ca. 1.

*WHEREAS no Provision is made (in the Act Intituled* An Act directing how Rates and Taxes granted by the General Assembly, as also County Town and Precinct Rates shall be assessed and collected) *for appointing Collectors or Constables, where Towns neglect to choose them: whereby unless there be some Remedy, the good Design of said Act to secure the Payment of the Taxes granted by the General Assembly will be frustrated:*

Sheriffs impowered to collect Rates or Taxes in Towns that have or shall neglect to choose Constables or Collectors.

Be it therefore enacted by the Governour, Council and House of Representatives, That where any Town or Towns have neglected or shall neglect to choose Constables or Collectors to gather the Rates or Taxes granted by the General Court, that in such Case the Sheriff of the County shall be and hereby is impowered and directed to collect such Rates or Taxes, having received an Assessment made of the Proportion of the several Persons rateable in such Town, together with a Warrant under the Hands of such Assessors as shall be appointed by the Court of General Sessions of the Peace in the County where such deficient Town lies, according to the aforesaid Act of the fourth Year of his present Majesty's Reign; and the said Assessors are hereby directed where any Town has for divers Years past or shall for several Years together hereafter neglect to choose Assessors or Constables and Collectors to add together the several Sums annually due, as also the several Fines of *twenty Pounds* due for each Year's Neglect, and their own Allowance by Law established, to be proportioned among the several Inhabitants and others rateable in such Town according to their best Judgment.

Sheriff to post up Copy of Assessment and Warrant.

And be it further enacted by the Authority aforesaid, That the Sheriff upon receiving the aforesaid Assessment and Warrant for collecting it, shall forthwith post up in some publick Place of the Town assessed, an attested Copy of such Assessment and Warrant, and shall make no Distress for any of the Sums so assessed till after thirty Days from his posting it up; and any Person or Persons paying the Sum or Sums respectively assessed on him or them to the Sheriff before the Expiration of the aforesaid thirty Days, shall pay at the Rate of *five per Cent* over and above to the Sheriff for his Fees, and no more: But all such as shall neglect to pay the Sum or Sums assessed for the space of thirty Days or longer from the aforesaid posting up the Copy of the Assessment, shall be proceeded against by the Sheriff in Way of Distress as Collectors by Law are impowered, and may require suitable Aid for that Purpose, and they shall each one pay the Fees for the Sheriff's Service and Travel as in other Cases where Distraint is made.

*And to the Intent the Courts of General Sessions of the Peace in the several Counties where such deficient Towns shall respectively belong, may from Time to Time seasonably appoint Assessors as needful:*

Treasurer to send a Certificate to the Clerk of the Court of General Sessions of the County where deficient Towns belong.

Be it enacted by the Authority aforesaid, That the Province Treasurer for the Time being shall as soon as may be after he hath issued his Warrants to the Assessors of the several Towns for assessing and collecting the Rates and Taxes granted by the General Assembly for the Space of sixty Days, without any Account of such Towns choice of Collectors or Constables, whether it be a Town that hath neglected to make such Choice, or that hereafter shall neglect so to do, in every such Case the said Treasurer shall send a Certificate to the Clerk of the Court of General Sessions of the Peace for the County whereto the deficient Town belongs, of such their Deficiency, who shall lay it before said Court of Sessions at their next Sitting; whereupon the said Court shall forthwith proceed to appoint Assessors to assess and proportion the Rates and Taxes granted as aforesaid, and the Assessors so appointed, shall as soon as may be take an Oath to the faithful Discharge of their Trust before the said Court or some one or more of the Justices by the Court of Sessions to be appointed for that Purpose; and if any Person appointed an Assessor as aforesaid shall refuse to serve, he shall forfeit the Sum of *Twenty Pounds* to His Majesty for the Use of the Province; and the Court of Sessions shall immediately proceed to appoint others.

## CHAP. II.

## An Act in Addition to and for rendring more effectual the Laws already in being for preventing the Destruction of the Fish called *Alewives* and other Fish.

15 G. 2. ca. 6.

Preamble.

WHEREAS in and by an Act made in the fifteenth Year of his present Majesty's Reign, Intituled An Act in Addition to an Act made to prevent the Destruction of *Alewives*, and other Fish, *it is provided*, "That all "Persons that should hereafter build any Mill-Dam or Dams, or that had be- "fore the Time of passing the same, built any Dam a-cross any such River or "Stream where the *Salmon*, *Shad*, *Alewives*, or other Fish, usually pass up "into the natural Ponds to cast their Spawn, shall make or open a sufficient "Passage Way for the Fish to pass up such River or Stream through or round "such Dam, and shall keep it open for the free Passage of the Fish from the "first Day of *April* to the last Day of *May* annually, and also that a suffi- "cient Water Passage round through, or over such Dam, should be made for "the Passage of such Fish or their young Spawn in the Season of their going "down such River or Stream, on Penalty of *fifty Pounds*, for every Offence."

*And in and by an Act made in the seventeenth Year of his present Majesty's Reign, Intituled* An Act in Addition to an Act made in the fifteenth Year of his present Majesty's Reign, intituled An Act in Addition to an Act made to prevent the Destruction of the Fish called *Alewives*, and other Fish, *it is provided*, "That it shall and may be lawful for any Owner or Occupant of "any such Dam or Dams already built, or that may hereafter be built, and "who are or may be obliged by said additional Act to open or leave open "such Passage as aforesaid, to apply to the next Court of General Sessions of "the Peace to be holden in and for the County where such Mill-Dam is; and "the Justices of the Court respectively, on such Application, are impowered "and directed to appoint a Committee of three sufficient, and as much as may "be, disinterested Persons under Oath, to repair to the Dam where such Pas- "sage is proposed to be opened, and carefully view the same, and in the best "Manner they are able to inform themselves of the most proper Place for the "Passage of such Fish up and down Stream, of what Dimensions the same shall "be, or be appointed to be made, and what Part of each Year, and how long "the same shall be kept open, and return the same under their Hands, or the "Hands of the major Part of them, to the said Court for their Acceptance, which "Return so made and accepted shall be deemed and adjudged the lawful Rule "of Proceeding in making and keeping open the Passage and Passages for the Fish

"in

" in passing up and down the Rivers and Streams for the future; any Thing " contained to the contrary in said additional Act notwithstanding."

*And whereas it may happen that in some Rivers or Streams, a-cross which Dams are built, it may be doubtful whether the Fish may be said usually to pass or cast their Spawn, and so as to render it necessary that a Way should be left open in such Dams for their free Passage, and many Inconveniencies may arise from such Doubt or Uncertainty:*

Be it therefore enacted by the Governour, Council and House of Representatives, That when and so often as Application shall be made to the Court of Sessions by the Owner or Occupant of any Mill-Dam or Dams, either of such Dams as have no Passage Way, or of such Dams through which a Passage Way has already been made, and a Committee shall thereupon be appointed by such Court pursuant to the last recited Act, and such Committee shall repair to any Dam or Dams, and it shall appear to them upon Inquiry that the Fish do not, or in Case of a Passage being made or kept open would not usually pass up the River or Stream a-cross which such Dam is or shall be built, in such Numbers as that it is necessary a Passage Way through such Dam should be made or kept open, or that the passing of the Fish up such River will not be of greater general Benefit than the leaving open of Passage Ways in such Dams will be of Damage to the Owners of the Mills and other Persons, then and in either of such Cases, said Committee shall be impowered to make a Report that such Passage Way is not necessary, and such Report being accepted by the Court of Sessions, the Owner or Occupant of such Dam shall thereupon be freed from all Obligation to make or keep open any Passage; any Thing in the afore-mentioned Acts to the contrary notwithstanding. And the Charge of the Application that shall be made by the Owner or Occupant of any Mill-Dam or Dams, and all Proceedings of the Court thereupon, pursuant to this Act, or to the said last recited Act, shall be born and paid by such Owner or Occupant. Court of General Sessions to determine the Expediency of Dams, &c upon the Report of a Committee.

*Provided always*, That if at any Time after such Determination, any Person apprehanding it necessary that a Passage Way should be opened in such Dam, shall thereupon make Application to the Court of Sessions, said Court shall be impowered to appoint a new Committee, who shall have the same Power the first Committee by Law had, or might have had, and upon such Committee's reporting that a Passage Way is necessary in such Dam or Dams, and the Demensions thereof, and the Time it shall be kept open, and upon such Report being accepted by the Court of Sessions the Owner or Occupant of such Mill or Dam shall be as fully obliged to keep open such Passage as if the former Report had never been made and accepted; any Thing in this Act to the contrary notwithstanding. The Charge of such Application and all Proceedings thereupon to be paid by the Person or Persons making the same, or by the Owner or Occupant of such Dam, as the Court of Sessions shall order. Proviso.

*And whereas in some Counties within this Province the Justices of the Court of Sessions have refused to admit any Application from the Owner or Occupant of any Mill or Mill-Dam by Reason that such Application has not been made at the Court next immediately following the Publication of the last recited Act:* Preamble.

Be it further enacted, That the several Courts of Sessions within this Province be and hereby are impowered and directed to admit, proceed and determine upon any such Application at any Court at any Time held for the County, and all such Proceedings shall be deemed as valid to all Intents and Purposes as if they had been acted upon at the Court next immediately following the Publication of said Act. Further Power of the Court of Sessions.

*And whereas in many Rivers or Streams within this Province neither* Shad, Salmon *nor* Alewives *usually swim, or would pass up such River or Stream, altho' a Passage Way was made and kept open through the several Dams built a-cross such Rivers or Streams, and the Advantage of other Fish that pass up such Rivers or Streams is not equal to the Damage that may arise by keeping open a Passage Way through such Dams:* Preamble.

Be

In what Case Mill Dam or Dams are to be kept open

**Be it therefore enacted**, That no Owner or Occupant of any Mill Dam or Dams built or to be built within this Province, shall be liable to any Penalty for not making or keeping open a Passage Way through such Dam or Dams, except those Dams only which are built a-cross those Rivers or Streams where either of the afore-mentioned Fish, *viz. Shad, Salmon* or *Alewives* usually swim or pass; any former Law, Usage or Custom to the contrary notwithstanding.

Application may be made to the Court of Sessions relating to Dams, &c.

*Provided always*, That it shall be in the Power of any Person at any Time to make Application to the Court of Sessions, setting forth that the Passage of other Fish up such Rivers or Streams is of such Advantage as to render a Passage Way through any Dam or Dams necessary, and the Justices of the Court of Sessions are impowered on such Application to appoint a Committee to repair to such Dam or Dams, and upon such Committee's reporting that a Passage Way or Ways for the Fish is necessary, the Dimensions thereof, and the Time for keeping it open, and upon such Report's being accepted, the Owner or Occupant of such Dam or Dams shall be as fully obliged to make and keep open such Passage Way or Ways as if *Shad, Salmon* or *Alewives* usually passed up such River or Stream.

Preamble.

*And whereas the Mill-Dam in the Town of* Watertown *referred to in the aforesaid Act of the Fifteenth of his present Majesty, has not been subjected in like Manner with the other Mill-Dams within this Province:*

Mill-Dam in *Watertown* not to be raised in a certain Time, except &c.

**Be it therefore enacted**, That if any Person or Persons whatsoever shall cause the Dam of said Mill to be raised, so as to prevent the Passage of the Fish over the same at any Time between the breaking up of the Ice in the Winter or Spring and the first Day of *May* annually, and in any Year hereafter, without the express Leave or Consent of the Select-Men of the Towns of *Watertown* and *Newtown*, every Person so offending shall forfeit and pay the Sum of *five Pounds* for each Offence, to be recovered in any Court of Record proper to try the same, and for the Use of him or them that shall inform and sue therefor.

## CHAP. III.

## An Act for the Explanation and further Enforcement of the Laws made for the Observation of the Lord's Day.

4 *W.* & *M.* ca. 8.

Preamble

WHEREAS *in and by an Act made and pass'd in the fifteenth Year of his present Majesty's Reign, Intituled* An Act in further Addition to the several Acts for the Observation and keeping of the Lord's Day, *it is enacted*, " That His Majesty's Justices of the Peace shall bind over the " Offenders against that Act to appear before the next Court of General Sessions " of the Peace for the County where the Offence shall be committed &c.

*And whereas it so happens, that divers such Offenders are Strangers, and not Inhabitants in the Town where the Offence is committed, nor of any other Town in this Province, and Persons so mean and obscure that they cannot afterwards be found, so that without a speedy Way of proceeding against them, they will have an Advantage to avoid Justice, and with respect to such Persons the good Intent of the said Law may be thereby wholly frustrated and defeated. And whereas a Doubt has arisen in divers Persons, who are enjoined by Law to put in Execution the Laws made for the due Observation of the Lord's Day, whether the Act above-mentioned does not repeal some Clauses in an Act made in the fourth Year of King* William *and Queen* Mary, *for the better Observation and keeping of the Lord's Day, and other subsequent Acts made for the same good Purposes; and through these Means there have been great Neglects of prosecuting and punishing Persons guilty of the Prophanation of the Sabbath:*

Now to prevent the evil Consequences of such wrong Constructions of the Laws in that Case made and provided:

It

It is hereby declared by the Governour, Council and House of Representatives, That it is not the true Intent and Meaning of the firſt mentioned Act made in the fifteenth Year of his preſent Majeſty's Reign to repeal any of the precedent Laws made for the Obſervation of the Lord's Day, or any Paragraphs or Clauſes thereof, but that the ſame ought to remain in full Force and Virtue. Precedent Laws relating to the Lord's Day not repeal'd, but remain in full Force and Virtue.

And it is hereby accordingly enacted, That the ſaid precedent Laws do and ſhall remain in full Force and Virtue, as if the ſaid Act of the fifteenth Year of his preſent Majeſty's Reign had never been made: Saving that by the ſaid Act His Majeſty's Juſtices of the Peace have Liberty given them to proſecute the Offences therein mentioned in the Manner as is therein directed, if they judge it will beſt anſwer the general Intention of the Laws for the better Obſervation of the Lord's Day.

---

# An Act,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts Bay* in *New-England*, Begun and held at *Boſton* upon Wedneſday the twenty-ſeventh Day of *May*, 1747. And continued by Adjournments to Wedneſday the twelfth Day of *Auguſt* following.

---

## CHAP. I.

## An Act in further Addition to and for Explanation of certain Clauſes in three ſeveral Acts herein after mention'd made and paſs'd in the fifteenth, ſeventeenth and eighteenth Years of his preſent Majeſty's Reign, for aſcertaining the Value of Money, and of the Bills of publick Credit of this Province. 15 *G.* 2 ca 4.

*WHEREAS in and by an Act made and paſs'd in the fifteenth Year of his preſent Majeſty's Reign, intituled,* An Act to aſcertain the Value of Money and of the Bills of publick Credit of this Province granted this preſent Year for the ſupply of the Treaſury, and for ſecuring the Credit of ſaid Bills; *the ſeveral Courts of Judicature are directed in making up Judgments for Debts that ſhould be contracted within the Term of five Years therein limitted (except as therein excepted) in Caſe the Province Bills by ſaid Act emitted, or that ſhould thereafter be emmitted, ſhould be depreciated below the Value they were ſet at by ſaid Act, to allow the Creditor ſo much in ſaid Bills, as ſhould make amends for their Depreciation below their then ſtated Value, or the Value at which ſuch other Bills ſhould be ſtated; And whereas in the Rule by ſaid Act preſcribed for determining the Value of ſuch Bills from Time to Time for the Purpoſe aforeſaid only Silver and Bills of Exchange are made the Standard whereby ſaid Bills are to be eſtimated in order to the Payment of private Debts to be contracted within the Time aforeſaid; which Rule by Experience has been found to be unequal, and not to anſwer the good Intention of the ſaid Act, inaſmuch as the Bills of Credit, being the only Medium of Trade and Commerce in this and the other Governments in* New-England, *their Value cannot be truly eſtimated by the Prices of any one or two particular Commodities or Merchandizes, ſuch as Bills of Exchange and Silver now are and have for ſeveral Years paſt been within this and the aforeſaid other Colonies, and the Prices of which in Bills of publick Credit have been found liable to be very ſuddenly and immoderately increaſed by a few Perſons for the ſake of ſerving their own particular Trade or Intereſt, whereby the* Preamble.

*Bills*

*Bills of Credit have often been to the great Grievance of Debtors much depreciated with respect to Bills of Exchange and Silver, tho' at the same Time they have kept their Value with respect to all other Commodities and Merchandizes in this Province:*

Now for preventing any future Inconvenience which may arise to the Debtor from estimating the Value of Bills of Credit by comparing them with the Prices of Bills of Exchange and Silver alone;

Price of Provisions &c. to be consider'd in the Valuation of the Bills.

**Be it enacted by the Governour, Council and House of Representatives,** That when any Valuation shall be made of the Bills of publick Credit on this Province in Pursuance of said Act, and for the Purposes therein mentioned, regard shall be had not only to Silver and Bills of Exchange, but to the Prices of Provisions and other Necessaries of Life, and to the Difference that may arise from the Plenty or Scarcity of them, or other Circumstances which may casually occasion the rise or fall of them, at the respective Seasons wherein such Valuation shall be made as aforesaid.

*And whereas the aforemention'd Act directs that the Valuation of the Bills of publick Credit as aforesaid for the Purposes aforesaid, shall be made once in every six Months by the General Assembly, and in want thereof by a Committee consisting of the eldest Councellor for the Time being, in each of those Counties, where any Member of his Majesty's Council is an Inhabitant: And whereas the said Act doth not expresly declare that the Determination made by any Number of the said Committee short of the whole, shall be accounted valid for the Purposes aforesaid; and Doubts and Disputes have thereupon arisen:*

For Prevention whereof for the future:

Five Councellors to be a Quorum for valuing the Bills.

**Be it enacted by the Governour, Council and House of Representatives,** That any five of the said Councellors shall be a Quorum, and every Valuation of the Bills of publick Credit to be made by the whole Number of the said Councellors or the major Part of such of them as shall convene and be present, at the Time of making the same (provided the Number present be not less than five, and that due Notice has been previously given to the rest that shall then be within this Province, of the Time, Place and Occasion of their Meeting) shall be deemed and counted valid in the Law, for the Purposes in said Act mentioned.

*And whereas altho' the Method of making up Judgment on private Debts (with Allowance for the sinking of the Value of the Province Bills) as prescribed in the aforesaid Act, and in another Act made and pass'd in the eighteenth Year of his present Majesty's Reign, intituled,* An Act in further Addition to an Act for ascertaining the Value of Money, and of the Bills of publick Credit of this Province, *is limitted to Debts contracted within or before certain Periods mentioned in said Acts respectively, and is not extended to Debts thereafter to be contracted; yet unless some certain Term of Time be limitted for calling in such Debts, and for the Continuance of the aforesaid Method of making up Judgment thereupon, many of said Debts may be long outstanding, and in Consequence thereof it will be requisite (for a Rule to the executive Courts in their Proceedings) that a Valuation of said Bills be from Time to Time made either by the General Assembly or such others as by Law are appointed for that Service, 'till every of those Debts shall be discharged, how long soever that Time may be protracted, to the Hindrance and Interruption of the publick Affairs of the Province, or to the great Trouble, Expence and loss of Time to those concerned therein.*

For Prevention of which and other Inconveniencies;

Limitation of the Time for bringing Actions on this Act.

**Be it enacted by the Governour, Council and House of Representatives,** That in all and every Action and Actions which shall be brought from and after the last Day of *September,* which will be in the Year of our Lord, One Thousand seven Hundred and forty Nine, the aforementioned Method of making up Judgments in the several executive Courts of this Province, on all Debts and Dues contracted before the last Day of *March,* One Thousand seven Hundred

Hundred and forty seven, by Virtue or in Consequence of the Power and Directions given in the Acts aforesaid, or either of them, shall cease and determine; and no Allowance shall be made in making up such Judgments for any Depreciation of the Bills of Credit, unless the Debt on which such Action shall arise, did not become payable 'till after the last Day of *September*, Anno Domini One Thousand seven Hundred and forty Nine, or unless the Creditor now be and shall continue out of this Province 'till after the Expiration of the said Term, and have no lawful Agent or Atterney therein, or be a Person *non Compos Mentis*, and have no lawful Guardian, or be under some other legal Incapacity of bringing his Action for the Recovery of such Debt within the Term herein before limitted for that Purpose. And if after that Term Suit shall be brought for any such Debts, Judgments shall be made up according to the last Valuation that shall have been then made. Saving.

*And whereas in and by an Act made and pass'd in the seventeenth Year of his present Majesty's Reign, entitled* ; An Act in Addition to and in Explanation of sundry Clauses of an Act *entitled* ; An Act to ascertain the Value of Money, and of the Bills of publick Credit of this Province, made and pass'd in the fifteenth Year of his Majesty's Reign ; *It is enacted*, " That all Debts " contracted since the last of *March*, One Thousand seven Hundred and " forty Two, or that shall thereafter be contracted (Specialties and expres. " Contracts excepted) shall be deemed and adjudged equal ro the real Value " only such Bills have passed or shall pass at when such Debt was or shall be " contracted ; and every Debt of *twenty Shillings* contracted as aforesaid shall " or may be always hereafter discharged by *twenty Shillings* in said Bills and " so *pro ratâ* for a greater or less Sum, unless such Bills have already or should " hereafter be depreciated below the Value they passed at when such Debt was " or shall be contracted ; and in such Case so much shall always be allowed by " the respective Courts in this Province as shall make said Bills equal in Value " to such Debt when contracted." Preamble.

*And whereas the Debts referred to in the said Act appear by the purview thereof, to be such only as then had been or should be contracted within five Years from the last Day of* March, One Thousand seven Hundred and forty Two, *yet as the said Act has by some been construed to extend to Debts to be contracted after the Expiration of said Term* ; *and in Consequence of such Construction (if admitted) many Inconveniencies may arise :*

Wherefore for Prevention thereof, and for removing any Doubts or Disputes touching the Meaning of said Act in the Case before mentioned :

**Be it enacted and declared by the Governour, Council and House of Representatives**, That the Debts referred to and intended in the last herein before recited Act are such only as had been or should be contracted within the before-mentioned Term of five Years from the last Day of *March* One Thousand Seven Hundred and forty two, and that the Rule therein given to the Courts of Judicature respecting the Allowance to be made for the Depreciation of the Bills of publick Credit, was intended and shall be adjudged, construed, and taken to be restrained to Debts, contracted within the Term aforesaid, and not to extend to any other whatsoever. Time for contracting Debts that are to have Benefit upon Depreciation of the Bills stated.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and Held at *Boſton*, upon Wedneſday the twenty-ſeventh Day of *May*, 1747. And continued by Adjournments and Prorogations to Wedneſday the third Day of *February* following.

## CHAP. II.

## An Act for altering the Times appointed for holding the Superiour Court of Judicature, Court of Aſſize, and General Goal Delivery within and for the Counties of *Eſſex* and *Briſtol*.

11 *W.* ca. 3.

Preamble. *WHEREAS the Times by Law appointed for holding the Superiour Court of Judicature, Court of Aſſize, and General Goal Delivery at* Salem, *within and for the County of* Eſſex, *and at* Taunton, *within and for the County of* Briſtol, *are found to be inconvenient :*

Alteration of Courts at *Salem* and *Taunton*. **Be it therefore enacted by the Governour, Council and Houſe of Repreſentatives**, That the Time for holding the ſaid Superiour Court of Judicature, Court of Aſſize and General Goal Delivery at *Salem*, for the County of *Eſſex*, ſhall henceforth be the third Tueſday in *October* annually : And the Time for holding the ſaid Court at *Taunton*, for the County of *Briſtol*, ſhall henceforth be the ſecond Tueſday in *May* annually : And all Officers and other Perſons concerned, are required to conform themſelves accordingly.

**And be it further enacted**, That all Appeals, Writs of Review, Recognizances, Warrants, and other Proceſs already iſſued, taken or depending in the ſaid County of *Briſtol*, which were to have been returned or proceeded on at the Time heretofore appointed by Law for holding the ſaid Court at *Taunton*, ſhall be valid and ſtand good to all Intents and Purpoſes in the Law ; and ſhall be returned and proceeded on at the Time appointed by this Act for holding the ſame.

## CHAP. III.

## An Act for explaining an Act intituled, *An Act to prevent and make void clandeſtine and illegal Purchaſes of Lands from the Indians*, ſo far as relates to the Deviſe or Bequeſt of any Real Eſtate by the laſt Will and Teſtament of any Indians.

13 *W.* ca. 21.

Preamble. *WHEREAS Doubts have ariſen, whether the Act paſs'd in the thirteenth Year of King* William *the third, Intituled,* An Act to prevent and make void clandeſtine and illegal Purchaſes of Lands from the Indians ; *doth extend to any Device or Bequeſt of Real Eſtate made by the laſt Will and Teſtament of any Indian :*

Explanation of an Act relating to Indians ſelling Lands. **Be it therefore declared and enacted by the Governour, Council and Houſe of Repreſentatives**, That the ſaid Act was intended to extend, and did, doth and ought to be underſtood to extend to all Deviſes of Real Eſtates made by the laſt Wills and Teſtaments of any of the ſaid Indians : And all ſuch Deviſes of Lands or other Real Eſtate whatſoever by any laſt Will and Teſtament from any Indian or Indians inhabiting within this Province, to any Engliſh Perſon or Perſons that have been heretofore made, and have not been approved by the General Court ; and alſo all ſuch as ſhall hereafter be made, unleſs the Approbation of the General Court ſhall be obtained, are hereby declared utterly void and of no Effect.

# Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston*, upon Wednesday the twenty-fifth Day of *May* 1748. And continued by Prorogation and Adjournments to Wednesday the twenty-first Day of *December* following, and then met.

## CHAP. I.

## An Act for drawing in the Bills of Credit of the several Denominations which have at any Time been issued by this Government and are still outstanding, and for ascertaining the Rate of coin'd Silver in this Province for the future.

15 G. 2. ca. 4.

Preamble.

*WHEREAS the Sum of* One Hundred and eighty three Thousand six Hundred and forty nine Pounds two Shillings and seven Pence half Peny *Sterling Money has been granted by the Parliament of* Great-Britain, *for reimbursing to this Province their Expences in taking and securing* Cape-Breton:

Persons impowered to act for the Province in taking Care of the Money granted by Parliament for the Charge at *Cape-Breton*.

**Be it enacted by the Governour, Council and House of Representatives**, That the honourable Sir *Peter Warren*, Knight of the Bath, *William Bollan*, Esq; Agent for this Province, and *Eliakim Palmer*, Esq; of *London*, Merchant, they or two of them, (the said *William Bollan* Agent as aforesaid, except in Case of his Death always to be one) be and are hereby authorized and impowred to give a full Discharge to the right honourable the Lords Commissioners of the Treasury for the Sum granted as aforesaid whensoever the same shall have been issued, or to the Bank of *England*, in Case the same shall have been there deposited, or to any Person or Persons in whose Possession or Custody soever the same is or shall be; to prefer the humble Address of the General Court of this Province to the King's most excellent Majesty, that he would be graciously pleased to order the said Sum to be transported to this Government in foreign coin'd Silver, on board some one or more of his Majesty's Ships; and to pursue such Instructions as the said General Court shall judge necessary concerning the Transportation of the said granted Sum to this Province.

The Province Treasurer impowred to receive said Money on its Arrival.

**And be it further enacted**, That the Treasurer of the Province for the Time being, be and hereby is fully authorized and impowred to demand and receive the whole and every Part of the Money aforesaid from the Commander of any Vessel or Vessels on board of which the same shall be ship'd upon the Arrival thereof within this Government.

The said Money to be exchanged for Bills of Credit.

**And be it further enacted**, That from and after the thirty-first Day of *March* which shall be in the Year of our Lord One Thousand seven Hundred and fifty, the Possessor and Possessors of each and every of the Bills of Credit of this Province which shall then be outstanding, upon bringing such Bill or Bills to the Treasurer aforesaid, shall be intitled to and receive in Exchange for every such Bill or Bills Silver at the Rate following, *viz.* for every *forty five Shillings*, in Bills commonly known and understood by Bills of the old Form and Tenor, *one Peice of Eight*, and for every *eleven Shillings and three Pence* in Bills of the new Form and Tenor, and also of the middle Form and Tenor, *one Piece of Eight*, and so proportionably for a greater or less Sum in the Bills of each and any of the Forms and Tenors aforesaid. *Provided nevertheless*, That if the Possessors aforesaid shall not offer such Bills in Exchange within one Year from and after the said thirty first Day of *March* One Thousand seven Hundred and fifty, all Right or Claim to the Redemption or Exchange thereof shall determine and cease.

Proviso respecting Bills of the neighbouring Governments.

*Provided always,* That such of the Bills of Credit of this Province, as shall be the Property of the Inhabitants of *Connecticut, New-Hampshire,* and *Rhode-Island,* may and shall be redeemed or exchanged by the Bills of Credit of each of those Government respectively that may be in the Hands of the Inhabitants of this Government: Any Thing in this Act to the contrary notwithstanding.

Preamble.

*And whereas all Debts, Dues, Demands, Bargains and Contracts whatsoever unless otherwise specially agreed or contracted, are now understood to be payable and may be discharged by the publick Bills of Credit of this Province, and upon any Action or Actions being brought in the Courts of Judicature within this Province, and Judgment being made upon such Action and Execution issued, such Execution may be now satisfied and discharged by the publick Bills of Credit as aforesaid, with the Addition of a greater or less Sum according to the Time when such Debts were contracted:*

Contracts after *March* 31. 1750 to be understood to be in Silver Money.

**Be it enacted,** That from and after the thirty first Day of *March,* which shall be in the Year of our Lord One Thousand seven Hundred and fifty, all Debts, Dues, Demands, Bargains and Contracts, payable in Bills of Credit as aforesaid, shall be understood to be payable in coin'd Silver only; and all Executions in Consequence of any Judgment of Court in all Actions heretofore brought or that may at any Time hereafter be brought for the Recovery of such Debts, Dues, Demands, Bargains and Contracts made and contracted as aforesaid, shall and may be then discharged by Silver at the Rate following, *viz.* Every *forty five Shillings* of such Debts, Dues or Demands which were payable or might be discharged by Bills of the old Tenor, shall and may be discharged by *one mill'd Peice of Eight,* and every *eleven Shillings and three Pence* of such Debts, Dues or Demands which were payable or might be discharged by Bills of the middle Tenor, or by Bills of the new Tenor, shall and may be discharged by *one mill'd Peice of Eight,* with such Addition, according to the Time of contracting, as the Laws of this Province do or shall require; and so proportionably of any Debt or Demand of greater or less Value.

*And whereas in and by the several Acts of this Government for issuing the publick Bills of Credit Provision has been made for drawing said Bills into the publick Treasury again by certain Taxes which it is provided by said Acts shall be laid on the several Towns in this Government in each of the several Years from this present Year until the Year* One Thousand seven Hundred and sixty:

Repeal of the Clauses in divers Acts for Taxes.

**Be it further enacted,** That the several Clauses in the Acts aforesaid providing for the bringing into the Province Treasury by Taxes the several Sums in Bills of Credit issued by Virtue of such Acts, be and hereby are repealed and declared null and void.

*And whereas the Sum granted by Parliament as aforesaid may prove insufficient to redeem or exchange the whole Sum which is now outstanding in said Bills, of Credit at the Rates aforesaid:*

Tax of £75,000 to be levied in 1749.

**Be it further enacted,** That there be and hereby is granted unto his most excellent Majesty a Tax of *seventy five Thousand Pounds* to be levied on Polls and Estates both Real and Personal within this Province, according to such Rules and in such Proportions on the several Towns and Districts within the same as shall be agreed upon and ordered by this Court at their Session in *May* One Thousand seven Hundred and forty nine, to be paid into the publick Treasury on or before the last of *December* then next ensuing: And the Tax aforesaid is hereby declared to be payable in Bills of Credit of the new Form and Tenor, or of the middle Form and Tenor according to their respective Denominations, or in Bills of the old Tenor, accounting four for one, or in Spanish mill'd Dollars at the Rate of *eleven Shillings and three Pence* each.

Treasurer to issue his Warrants in Case there be no Act for apportioning said Tax.

**And be it further enacted,** That in Case the General Court shall not at their Sessions in *May* and before the twentieth Day of *June* One Thousand seven Hundred and forty nine, agree and conclude upon an Act apportioning the Sum which by this Act is engaged shall be in said Year apportioned assessed

and

and levied, that then and in ſuch Caſe each Town and Diſtrict within this Province ſhall pay (by a Tax to be levied on the Polls and Eſtates both Real and Perſonal within their Diſtricts) the ſame Proportion of the ſaid Sum as the ſaid Towns and Diſtricts ſhall have been taxed by the General Court in the Tax Act then laſt preceeding; and the Province Treaſurer is hereby fully impowred and directed ſome Time in the Month of *June* in the Year One Thouſand ſeven Hundred and forty nine, to iſſue and ſend forth his Warrants directed to the Select-Men or Aſſeſſors of each Town and Diſtrict within this Province, requiring them to aſſeſs the Polls and Eſtates both Real and Perſonal within their ſeveral Towns and Diſtricts for their reſpective Part and Proportion of the Sum before directed, and engaged to be aſſeſſed, and the Aſſeſſors as alſo Perſons aſſeſſed, ſhall obſerve, be governed by and ſubject to all ſuch Rules and Directions as ſhall have been given in the laſt preceeding Tax Act; and if there be any Surpluſage it ſhall remain a Stock in the Treaſury.

Preamble.

*And whereas it is provided by this Act that the whole Sum now outſtanding in Bills of Credit which have been the Medium and Inſtrument of Trade and Commerce for many Years paſt ſhall be ſunk, partly by a Tax, and partly by being exchanged for the Sum granted by Parliament as aforeſaid, which Sum may prove ſufficient to ſerve as a Medium inſtead of ſaid Bills, and it being of great Importance that all poſſible Means ſhould be us'd for eſtabliſhing an invariable Silver Currency for the future:*

Contracts & Debts to be paid after *March* 31. 1750 in Silver Money.

Rates of Spaniſh Money.

Penalty to thoſe who receive or pay Silver Money at any higher Rate.

**Be it enacted**, That all Bargains and Contracts, Debts and Dues whatſoever which ſhall be agreed, contracted or made after the thirty-firſt Day of *March* One Thouſand ſeven Hundred and fifty, ſhall be underſtood and are hereby declared to be in Silver at *ſix Shillings and eight Pence* per Ounce, and all Spaniſh mil'd Pieces of Eight of full Weight, ſhall be accounted taken and paid at the Rate of *ſix Shillings* per Piece for the diſcharge of any Contracts or Bargains to be made after the ſaid thirty-firſt Day of *March* One Thouſand ſeven Hundred and fifty, the Halfs Quarters and other leſs Peices of the ſame Coin, to be accounted, received, taken or paid in the ſame Proportion; and if any Perſon ſhall for the diſcharge of any ſuch Contracts or Bargains account, receive, take or pay any Silver Coin or any of the ſaid Pieces at any greater or higher Rate than that at which the ſame is hereby regulated and allowed, every ſuch Perſon ſo accounting, receiving, taking or paying the ſame, ſhall forfeit the Sum of *fifty Pounds* for every Offence, one Moiety thereof to his Majeſty his Heirs and Succeſſors to and for the Uſe of this Government, the other Moiety to him or them that ſhall ſue for the ſame, to be recovered with full Coſts of Suit by Action of Debt, Bill, Plaint, or Information, in any of his Majeſty's Courts of Record within this Province, or by Preſentment of the Grand Jury; and all Perſons whatſoever are hereby required to conform their Books and Accounts according to the Regulation aforeſaid, any former Uſage to the contrary notwithſtanding; and any Books and Accounts which ſhall not be made to conform to the ſaid Regulation ſhall not be admitted or allowed to be produced in Evidence for the Recovery of any Debt in any of his Majeſty's Courts within this Province.

Preamble.

*And whereas Bills of Credit have been the only Medium of Trade within this Government for many Years paſt, and the Bills of* Connecticut, New-Hampſhire, *and* Rhode-Iſland, *have paſſed promiſcououſly with the Bills of this Government, and the Inhabitants of this Government will be liable to greater Evils than they have ever yet ſuffered, if the Bills of thoſe Governments continue current within this Province:*

Penalty for receiving or paſſing Bills of the neighbouring Governments.

**Be it further enacted**, That if any Perſon from and after the thirty-firſt Day of *March* One Thouſand ſeven Hundred and fifty, ſhall account receive take or pay any Bill or Bills of Credit of either of the Governments of *Connecticut*, *New-Hampſhire*, or *Rhode-Iſland*, in diſcharge of any Contract or Bargain or for any valuable Conſideration whatſoever, every ſuch Perſon ſo accounting, receiving taking or paying the ſame, ſhall forfeit the Sum of *fifty Pounds* for every

every Offence, to be recovered and applied in like Manner with the Forfeiture or Penalty for receiving or paying Silver Coin at any higher Rate than is regulated by this Act.

Oath to be taken by Persons chosen to Office that they have not received or paid said Bills.

**And be it further enacted**, That from and after the last Day of *March* which shall be in the Year of our Lord One Thousand seven Hundred and fifty, until the last Day of *March*, which shall be in the Year of our Lord One Thousand seven Hundred and fifty-four, every Person who shall be chosen to serve in any Office in any of the Towns of this Province, shall before his Entrance upon said Office take the following Oath, to be administred by a Justice of the Peace, or where no Justice of the Peace shall be present, by the Town Clerk, who is hereby impowred to administer the same, *viz.*

Form of the Oath.

YOU A. B. *do in the Presence of GOD, solemnly declare, that you have not since the last Day of* March 1750, *wittingly and willingly, directly or indirectly, either by your self or any for or under you, been concerned in receiving or paying within this Government, any Bill or Bills of Credit of either of the Governments of* Connecticut, New-Hampshire, *or* Rhode-Island.

So help you GOD.

Penalty in Case of Refusal to take said Oath.

And where any Person chosen as aforesaid shall refuse or neglect to take the Oath aforesaid on tendering the same, the Town shall proceed to the Choice of another Person in his Room; and where any Person shall be elected during the Term aforesaid by any Town into any Office to the Non-Acceptance or Refusal whereof a Penalty is by Law annexed, such Person neglecting or refusing to take the Oath aforesaid, shall be liable to the same Penalty as is by Law provided for the Non-Acceptance or Refusal of such Office.

Persons chosen Representatives to take the said Oath.

**And be it further enacted**, That when any Person during the Term aforesaid, shall be chosen to represent any Town within this Province in the General Court or Assembly, such Person so chosen shall take the Oath aforesaid, and Return shall be made by the Select-men upon the Back of the Precept, that the Person so chosen, *has taken the Oath required in the Act made and pass'd in the twenty second Year of his Majesty King* George *the Second, intituled An Act for drawing in the Bills of Credit of the several Denominations which have at any Time been issued by this Government and are still outstanding, and for ascertaining the Rate of coin'd Silver in this Province for the future:*

And if any Person so chosen shall refuse or neglect to take the Oath aforesaid, such Refusal or Neglect shall be deem'd a Refusal to serve as a Representative, and the Town shall proceed to the Choice of another Person in his Room.

Councellors to take said Oath.

**And be it further enacted**, That the Oath aforesaid shall be administred to each of the Members of his Majesty's Council every Year during the Term aforesaid, at the same Time when the usual Oaths required to be taken by the said Members of his Majesty's Council shall be administred. And all Officers civil and military within this Government, who shall be nominated or appointed during the Term aforesaid, shall before they receive their respective Commissions take the Oath aforesaid, and their respective Commissions shall otherwise be void: And all Persons elected into any Office during the Term aforesaid by the General Assembly shall be deem'd not qualified to enter upon the Execution of their respective Offices, until they have taken the Oath aforesaid: And all Officers civil and military appointed by this Government who shall be in Commission in the Month of *June* One Thousand seven Hundred and fifty three shall some Time in said Month take the Oath aforesaid; and in Case of Neglect thereof their respective Commissions shall become and are hereby declared to be void.

As also Officers chosen by the General Court.

And all other Officers civil and military.

The said Oath to be taken upon issuing Executions on Judgments of Courts.

**And be it further enacted**, That no Execution shall be issued during the Term aforesaid from the Office of any Clerk of any of the Inferiour Courts of Common Pleas or of the Superiour Courts of Judicature for any Sum whatsoever, unless the Plaintiff or Plaintiffs (suing in his or their own Right and dwelling within this Province) shall first take the Oath aforesaid, and Certificate thereof shall be made on such Execution; and if any Execution shall issue or go forth during the Term aforesaid without such Certificate, the same shall be and is

hereby

hereby declared to be void. And no Licence shall be granted to, nor any Recognizance taken from any Taverner, Innholder or Retailer, by the Justices of any of the Courts of Sessions within this Province during the Term aforesaid, until such Taverner Innholder or Retailer, shall have taken said Oath in Presence of the Court, or Certificate of his having so done from a Justice of Peace, shall be presented to the Court. *Provided always*, That when any Inhabitant of this Province shall be sued or have his Person or Estate taken by mean Process, or in Execution for any Debt contracted before the thirty-first Day of *March* One Thousand seven Hundred and fifty, with any of the Inhabitants of either of the Governments aforesaid, upon making Oath that he was possess'd of any Sum in Bills of Credit of the Government to which his Creditor belongs, before the said thirty-first Day of *March* One Thousand seven Hundred and fifty, and has continued to be so possess'd, he shall have Liberty to tender the same; and the Creditor shall be oblig'd to accept the same towards Payment or Discharge of such Debt in like Manner as if this Act had never pass'd. *Provided also*, And it is accordingly to be understood, that if the Bills of Credit of said Governments of *Connecticut*, *New-Hampshire*, and *Rhode-Island*, shall be drawn in and sunk, and the Paper Currency of said Governments shall be brought to an End and cease, at any Time before the said thirty-first Day of *March* One Thousand seven Hundred and fifty four, then and in such Case the three last preceeding enacting Clauses of this Act, shall become void and have no further Effect.

Taverners, Innholders and Retailers to take said Oath.

Proviso in Case Persons are possessed of the Bills of the other Governments.

Proviso in Case the Bills of the other Governments should be sunk.

*And whereas the Sum of* One Hundred and eighty three Thousand six Hundred and forty nine Pounds two Shillings and seven Pence half Penny *Sterling, granted by Parliament as aforesaid, and the further Sum of* Seventy five Thousand Pounds, *now granted to be assess'd in Bills of Credit in the Year* One Thousand seven Hundred and forty nine, *on the Polls and Estates of the Inhabitants of this Province, are by this Act become the sole Fund and Security for the whole Sum in Bills of Credit outstanding, and in Case the said Sterling Sum granted as aforesaid, be not imported into this Province before the said thirty first Day of* March *One Thousand seven Hundred and fifty, the exchanging the Bills of Credit as is above intended will be rendered impracticable, and, the former Funds or Securities being made void, there will remain a Fund for* Seventy five Thousand Pounds *only, and the Remainder of the said Bills of Credit will become of no Value to the Possessors:*

Preamble.

Acts for drawing in the Bills to be in Force in Case the Silver Money should not arrive in the Province before the 31st of *March* 1750.

Be it therefore provided, And it is accordingly hereby Enacted, that if the Sum granted by Parliament as aforesaid, shall not be received within this Government on or before the thirty-first Day of *March* One Thousand seven Hundred and fifty, then and in such Case the several Acts of this Province for drawing in the said Bills, and all and every Part of said Acts, shall be and continue in full Force, any Thing in this Act to the contrary notwithstanding; and all and every Part of this Act shall be void, and have no further Effect.

Saving £ 55,500, which is to be added to the Tax 1750.

Saving always, *That whereas the Sum of* One Hundred and thirty Thousand five Hundred Pounds *in said Bills of Credit is engaged by said Acts to be drawn in by a Tax in the Year* One Thousand seven Hundred and forty nine, *and by this Act Provision is made for drawing* Seventy five Thousand Pounds, *Part of said Sum only in said Year, which Part of this Act may have had its Effect, and the Time will be elapsed for drawing in the remaining Part of said* One Hundred and thirty Thousand five Hundred Pounds:

It is therefore hereby enacted and declared, That in such Case the Sum of *Fifty five Thousand five Hundred Pounds* the remaining Part of said Sum of *One Hundred and thirty Thousand five Hundred Pounds*, shall be and hereby is added to the Tax of *Thirty five Thousand Pounds*, engag'd to be assess'd in the Year One Thousand seven Hundred and fifty, and the Inhabitants of this Province shall be assess'd for said Sum at the same Time and in like Manner and Proportion as is by Law provided that they shall be assess'd for said *Thirty five Thousand Pounds*, and the Treasurer is hereby required to issue his Warrants accordingly.

CHAP.

## CHAP. II.

### An Act in further Addition to an Act Intituled *An Act for the more speedy finishing the* Land Bank *or* Manufactory Scheme.

17 G. 2. ca. 3.

Preamble.

*IT appearing to this Court, notwithstanding the Provision made for the speedy finishing the* Land-Bank *or Manufactory Scheme, in the Act of the Seventeenth Year of his present Majesty's Reign, Intituled,* An Act for the more speedy finishing the Land Bank or Manufactory Scheme, *That there are great Difficulties in the Way of the Commissioners by said Act appointed to finish said Scheme, without the further Aid of this Court, more especially occasioned by the Destruction of the Books and Papers of the said late* Land-Bank *Commpany, and of the said Commissioners, in the late burning of the Court House in* Boston:

Commissioners impowered and directed to assess Persons according to the List.

Be it therefore enacted by the Governour, Council and House of Representatives, That the said Commissioners or a major Part of them, be directed and impowered, and hereby they are directed and impowered, as soon as may be, to make an Assessment on those Persons mentioned in a List printed in the Supplement of the *Boston Gazette*, 1745. which List is hereby declared to contain a true and exact Account of the Partners in said late *Land Bank* Scheme, and the said Assessment shall be made for the full Sum in said List, printed in said *Gazette*, and such further Sum as said Commissioners shall judge necessary to redeem all the outstanding Bills of said Company, Principal and Interest, make good Deficiencies by the failing of any Partners, and to defrey the just incidental Charges; and every Receipt from said Commissioners, or other satisfactory Evidence of Payment on the aforesaid Assessment lately printed in the *Boston Gazette*, shall be taken and received by said Commissioners as Payment for the Sum or Sums they amount to, in the Assessment now directed to; upon and according to which Assessment now ordered (being first approved by the General Court, after being inserted in all the Weekly News-Papers printed in *Boston*, sixty Days before it's Presentation to the General Court, that all concerned may object if they see Cause) the said Commissioners shall issue their Warrants of Distress against such Partners as shall neglect to pay for sixty Days after the General Court's Approbation: Which Warrant of Distress shall be in the Form following, *viz.*

Warrants of Distress to be issued.

Form thereof.

*Province of the Massachusetts-Bay.* } *John Jeffries, Samuel Danforth, John Chandler*, Esqrs; Commissioners for the more speedy finishing the *Land-Bank* or Manufactory Scheme.

*To the Sheriff of the County of A. his Under Sheriff or Deputy, (or either of the Constables of* B) Greeting.

BY Virtue of an Act of the Great and General Court or Assembly of said Province, made at their Session begun and held at *Boston* upon Wednesday the twenty-sixth Day of *October* 1748. Intituled *An Act in further Addition to an Act Intituled, An Act for the more speedy finishing the* Land-Bank *or Manufactory Scheme*, there was an Assessment made on the late Directors and Partners in said Scheme, for the drawing in the Remainder of the outstanding Bills emitted on said Scheme, which Assessment has been duly published in all the publick News Papers in *Boston*, agreable to said Act and passed the Approbation of the General Court; since which more than sixty Days are passed: In which Assessment A. B. of C. in the County of E. a late Partner in said Scheme, was assessed the Sum of

in lawful Money or Manufactory Bills as his Part or Proportion, and altho' publick Notice has been given of said Assessment, as aforesaid, yet the said A. B. hitherto neglects to pay in the same, as is by said Act required:

Wherefore, by Virtue of the Authority to us given in and by the aforesaid Act; These are in his Majesty's Name, to require you to Levy by Distress, and

and Sale of the Estate Real and Personal of the said A. B. the above Sum of lawful Money, and bring the same to us at our Office in *Boston* forthwith, returning the Overplus (if any be) to the said A. B. and if there cannot be found in your Precinct Estate sufficient to discharge the same, then you are to commit the said A. B. if to be found in your Precinct, to the common Goal of the County of E. there to remain until he has paid the said Sum of lawful Money, and Charges; for all which this shall be your sufficient Warrant; save only, that if you shall take the Real Estate of the said A. B. that then the said A. B. his Heirs, Executors, Administrators or Assigns, shall have Liberty for three Months thereafter, to redeem the same, and if the same shall not be Redeemed within three Months as aforesaid, by paying said Sum of and Charges, then you are required to sell the same as aforesaid, and return this Warrant and your Doings thereon, into the Office of the Register of Deeds for the County of E. there to be Recorded.

Given under our Hands and Seals at *Boston*, the Day of 174 in the Year of our Sovereign Lord by the Grace of God King of Great-Britain, *&c.*

*J. J.*
*S. D.*
*J. C.*

Direction to the Sheriffs, Coroners & Constables for executing the Warrants.

And all Sherffs their under Sheriffs and Deputies, and where they are interested all Coroners, and where the Sum exceeds not *ten Pounds* all Constables, are impowred and required to execute them on the Persons whose Names are contained in said List, or their Estates Real or Personal: And as some of said Partners are or may be deceased, or out of the Province, before such Warrant or Warrants of Distress shall be issued, the said Sheriffs, Coroners, and Constables, are hereby impowred and directed to take such Estate as they may find belonged to such deceased Person, or was by Law liable to be taken, if such deceased Person or Persons were then living, and in the Province: The Estate taken whether Real or Personal, to be sold, and the Overplus, if any, to returned as by Law required in ordinary Cases of Execution or Distress, save only that the Liberty of redeeming the Real Estate shall extend to three Months only, after being taken, upon the Expiration of which Term of three Months, if the same be not redeemed, the Sheriff or other Officer who took the same, shall return the Warrant of Distress, with his Doings thereon, into the Office of the Register of Deeds, in the County where the Lands lie, there to be recorded.

Surplus how to be disposed of.

And if there shall be a Surplus in the Hands of the Commissioners after redeeming said Bills, and paying the necessary Charges, the said Commissioners shall divide and pay the same equitably to and among the said late Partners, said Division being first approved by the General Court.

*And to the Intent all Possessors of said Land Bank Bills may more readily and easily receive such Sum or Sums as may be due upon or for their Bills:*

Time & Place of the Commissioners meeting for redeeming the Bills to be publickly notified.

Be it further enacted, That the said Commissioners, or a major Part of them, shall as soon as they are enabled to redeem them, give publick Notice in all the said Weekly News Papers, of the Time or Times and Place or Places in the Town of *Boston*, when and where they will attend to redeem them; which publick Notice (being inserted six Weeks successively in all the Weekly News-Papers printed in *Boston*) hereby is made and declared to be a legal Tender to all and every Possessor and Possessors of said Bills.

*And for as much as by the said Burning many Papers and Evidences were lost, whereby said Commissioners may be much embarras'd, which might be eased by Papers, Books or Receipts, in other Persons Hands:*

Commissioners impowered to demand Papers.

Be it enacted and declared, That the said Commissioners be and hereby are authorized and impowred to demand and receive of the late Directors, Treasurer, Endorser, Partners and Clerks of the said late Company, any and all Papers they shall judge needful, giving Receipt for them, and to examine the said Persons on Oath touching the Affairs of said late Company: And the said

Commissioners or a major Part of them, are directed to meet for the first four Weeks after the Publication of this Act two Days in each Week, and for the next four Weeks one Day in each Week, and after that one Day each alternate or every other Week, 'till the Scheme be finished, and no oftner, unless on a Representation made to the Governour and Council, they shall direct the Commissioners to meet more frequently.

## CHAP. III.

## An Act in Addition to, and for Explanation of an Act, Intituled, *An Act for Limitation of Actions, and for avoiding Suits at Law where the Matter is of long standing.*

13 G. 2. ca. 3

Preamble.

*WHEREAS in and by an Act made in the 13th Year of his present Majesty's Reign, intituled,* An Act for Limitation of Actions, and for avoiding Suits in Law where the Matter is of long standing; *It is among other Things enacted,* "That all Actions for Arrearages of Rent, or grounded on "any Lending or Contract without Specialty, should be brought within four "Years next after the Cause of such Action, in Cases where the Cause of Acti- "on should arise after the Publication of the said Act, and in those Cases where "the Cause of Action had arisen before within four Years after the Publication "thereof, and not afterwards;" *And whereas the latter Part of the said Clause was at the Time of making the said Act, generally understood to be meant and intended only of such Actions grounded on Lending, or Contract without Specialty as are express'd in the Act of Parliament, which was pass'd in the 21st Year of the Reign of King* James *the first, intituled,* An Act for Limitation of Actions and avoiding Suits at Law; *(from which Act the before-recited Law of this Province is (with Respect to the Actions therein mentioned) in a great Measure copied;) but yet the same construed in it's utmost Latitude, may be understood to include Actions of the Case upon Bill or Note of Hand, and has lately been so adjudged by some of the Courts of Judicature within this Province; (and by the like Construction may be deem'd to extend to all Actions of Account, and upon the Case whatsoever, not excepting such Accounts as concern the Trade of Merchandize between Merchant and Merchant, their Factors or Servants;) by which Construction in the Courts of Judicature, very many Creditors have been greatly surprized and injured, who upon the aforesaid general understanding of the said Clause of the aforesaid Provincial Act and thro' Lenity to their Debtors, have forborn to bring Actions for the recovery of Debts due to them by promissary Note or otherwise howsoever upon simple Contract, within the Time limited in the aforesaid Law of this Province for bringing Actions grounded upon Lending or Contract without Specialty; and will thereby (upon the aforesaid Construction of the latter Part of said recited Clause) be barred from bringing Actions for the recovery of the same, and great Mischief and Inconvenience may arise in the Trade of Merchandize and Dealings between Merchant and Merchant, and other Traders within this Province:*

Now for remedying and preventing the same,

Further Time allowed for bringing Actions of Account and on the Case.

**Be it declared and enacted by the Governour, Council and House of Representatives,** That all Actions of Account or upon the Case grounded on any Lending or Contract or otherwise howsoever, in which the Cause of Action has arisen before the Publication of this Act, and which have not yet been commenced or prosecuted to Effect, may be brought and prosecuted at any Time within four Years after the Publication hereof; and in Cases where such Actions have been commenced, and Judgment hath been given upon Plea in Bar or on Trial for the Defendant, the Plaintiff or Plaintiffs in such Action, their Executors or Administrators, may bring and prosecute a Writ of Review of the said Action in such Court where the same was Tried, within three Years after the making up such Judgments, for the reversing the same, and recovering of their Debt, any Thing in the aforesaid Act contain'd to the contrary notwithstanding, and shall have the

the like Advantage for recovering the same, as if the said Act had never been made: And that all Actions of Account and upon the Case other than such Accounts as concern the Trade of Merchandize between Merchant and Merchant, their Factors or Servants (the Cause whereof shall arise after the Publication of this Act) shall be brought within the Term of four Years next after the Cause of such Actions, and not afterwards; And that all Actions of Account which concern the Trade of Merchandize between Merchant and Merchant, their Factors or Servants as aforesaid, may be brought and prosecuted at any Time after the Cause of such Action, at the Pleasure of such Persons as may be concerned, any Thing in the aforesaid Act to the contrary in any wise notwithstanding. Time limited for bringing Actions of Account and on the Case.

**Provided always, and be it further enacted,** That this Act shall not be understood to bar any Infant, Feme-Covert, Person imprisoned, beyond the Seas, or *non compos mentis*, from bringing either of the Actions beforementioned within the Term before set and limited for bringing such Actions, reckoning from the Time that such Impediment shall be removed. Proviso.

*And whereas it may happen that some Debtors may be out of this Province during the whole or some considerable Part of the Term of Time by this Act allowed and limited for bringing such Actions as aforesaid, and the Creditors in such Case not have like Advantage with other Creditors for recovering their Debts:* Preamble.

**It is therefore hereby further provided and enacted,** That if any Debtor shall continue out of this Province more than twelve Months within the aforesaid Term, in such Case the Creditor shall be allowed such further Time for bringing his Action and recovering his Debt as shall appear (to the Satisfaction of the Court in which such Action shall be brought) that the Debtor had continued out of the Province within the four Years beforementioned. Proviso where Debtor continue out of the Province.

# Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston*, upon Wednesday the thirty-first Day of *May* 1749. And continued by sundry Prorogations to the twenty-third Day of *November* following, and then met.

## CHAP. I.

An Act in Addition to and rendring more effectual an Act Intituled *An Act for drawing in the Bills of Credit of the several Denominations, which have at any Time been issued by this Government, and are still outstanding, and for ascertaining the Rate of coined Silver in this Province for the future*; made in the twenty-second Year of his present Majesty's Reign. 15 G. 2. ca. 4.

*WHEREAS it is declared and provided in said Act in the Words following,* "And whereas the Sum of *One Hundred and eighty three Thousand six Hundred and forty nine Pounds two Shillings and seven Pence half Penny* Sterling, *granted by Parliament as aforesaid; and the further Sum of* Seventy five Thousand Pounds *now granted to be assessed in Bills of Credit in the Year* One Thousand seven Hundred and forty nine *on the Polls and Estates of the Inhabitants of this Province, are by this Act become the sole Fund and Security for the whole Sum in Bills of Credit outstanding, and in Case the said Sterling Sum granted as aforesaid be not imported into this Province before the said thirty-first Day of* March Preamble.

" One Thousand seven Hundred and fifty, *the exchanging the Bills of Credit,* " *as is above intended, will be rendred impracticable, and the former Funds* " *and Securities being made void, there will remain a Fund for* seventy five " Thousand Pounds *only, and the Remainder of said Bills of Credit will become* " *of no Value to the Possessors* : Be it therefore provided, And it is accord- " ingly hereby enacted, that if the Sum granted by Parliament as aforesaid, shall " not be received within this Government on or before the thirty-first Day of " *March* One Thousand seven Hundred and fifty, then and in such Case the " several Acts of this Province for drawing in the said Bills, and all and every " Part of said Acts, shall be and continue in full Force; any Thing in this Act " to the contrary notwithstanding; and all and every Part of this Act shall be " void, and have no further Effect."

*And whereas certain Deductions and Stoppages have been made from the aforesaid Sum of* One Hundred and eighty-three Thousand six Hundred and forty nine Pounds two Shillings and seven Pence half Penny *Sterling ; by Means whereof the whole and every Part of said Sum has not yet been and cannot be received within this Government before the said thirty-first of* March *One Thousand seven Hundred and fifty, which has occasioned Doubts and Uncertainty in the Minds of some whether the said Act is not or may not thereby become void and of no Effect :*

Act for drawing in the Bills of Credit &c. confirmed.

Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives, That the said Act be and hereby is declared to be in as full Force, and shall have the same Effect to all Intents and Purposes as if the exact Sum of *One Hundred eighty-three Thousand six Hundred and forty nine Pounds two Shillings and seven Pence half Penny* Sterling, had been received within this Government without any Deductions or Stoppages made as aforesaid; any Construction that has been or may be put on the aforesaid Paragraph to the contrary notwithstanding.

## CHAP. II.

## An Act to prevent Vexatious Law Suits.

Preamble.

*WHEREAS it is the Practice of divers Persons in this Government to vex their Neighbours, and put them to excessive Costs, by suing them to some distant Court, in some County of the Province where neither Plaintiff nor Defendant is an Inhabitant ; and such Suits are frequently sustained, notwithstanding the Law of this Province enables the several Inferiour Courts of Common Pleas, and the Superiour Court of Judicature to try Matters only that happen and arise within the County where the Court is held ; by Reason whereof many Inconveniencies have arisen :*

For Prevention whereof:

No personal Action to be tried at the Inferiour Court, &c. in any County where neither Party is an Inhabitant.

Be it enacted by the Lieutenant Governour, Council and House of Representatives, That from and after the Publication of this Act, no personal Action or Suit shall be brought by any Plaintiff or Plaintiffs (that are Inhabitants of this Government) to any Inferiour Court of Common Pleas in any of the Counties within this Province, where neither the Plaintiff nor Plaintiffs by whom such Suit is brought, nor the Defendant nor Defendants against whom such Suit is brought shall be an Inhabitant within such County where such Suit is brought as aforesaid, but all such Actions or Suits shall be barred, and the Defendant or Defendants so sued shall recover double Costs of the Suit; saving where such Defendant or Defendants against whom such Suit is brought are not Inhabitants of this Province, in such Case such Action or Suit may be brought in any of the Counties within this Province.

Saving.

Proviso.

*Provided nevertheless*, in Cases of Trespass *vi et armis*, and Debts due by Bond that by the Face of said Bond are made local, those Actions may be tried where the Trespass shall have been committed or where said Bonds have been given.

CHAP.

## CHAP. III.

## An Act in Addition to the Act to enable two Justices to adjourn a Court upon special Occasions.

Preamble.

*WHEREAS in and by an Act made in the seventh Year of the Reign of King* William *the third, Intituled,* An Act to enable two Justices to adjourn a Court upon special Occasions; *any two of his Majesty's Justices of the Superiour Court of Judicature &c. and Inferiour Court of Common Pleas respectively, whenever such Courts by any Providential, necessary and unavoidable Lett or Hindrance of their Attendance cannot be held and kept on the Day by Law appointed for holding the same, are impowred by Writ under their Hands and Seals directed to the Sheriff of the County to adjourn such Court unto a further Day; but no Provision is made in and by said Act for any further Adjournment; which may be found necessary for the same Reasons:*

Two Justices impowr'd to adjourn a Court after a first Adjournment in Case.

7 *W.* ca 1.

**Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives,** That when and so often as it shall happen that either of the said Courts cannot for any of the Reasons mentioned in the said Act, be held and kept on the Day to which, by Virtue of the aforesaid Act, the same may have been adjourned, or on any Day to which the Justices of the respective Courts at their Session may have adjourned the same, or on any Day to which the same may be adjourned by the General Court; it shall and may be lawful for any two of the Justices of such Court, in like Manner as in the said Act is mentioned, to adjourn the same to some further Day: And the Sheriff upon Receipt of such Justices Writ for that Purpose, shall conform himself to the Directions of the former Law.

Manner of notifying such Adjournments.

**And be it further enacted,** That whenever by Reason of any extraordinary Lett or Hindrance such two Justices cannot, without extream Difficulty, transmit any Writ for the Adjournment of such Court to the Sheriff, they may cause a Notification of such Adjournment or Adjournments to be posted up on the House where the Court was to have been held, and at such other publick Places as they may judge most suitable to give speedy Notice thereof to the County; and such Adjournment shall be adjudged good to all Intents and Purposes.

---

# Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the thirty-first Day of *May*, 1749, And continued by sundry Prorogations and an Adjournment to the twenty-second Day of *March* following, and then met.

---

## CHAP. IV.

## An Act in Addition to an Act made and passed in the twenty second Year of his Majesty's Reign, Intituled *An Act for drawing in the Bills of Credit of the several Denominations which have at any Time been issued by this Government and are still outstanding, and for ascertaining the Rate of coined Silver in this Province for the future.*

15 G. 2. ca. 4.

Preamble.

*WHEREAS in and by an Act made and passed in the twenty-second Year of his present Majesty's Reign, Intituled* An Act for drawing in the Bills of Credit of the several Denominations which have at any Time been issued by this Government, and are still outstanding, and for ascertaining the Rate of Coined Silver in this Province for the future; *it is among other*

*other Things enacted and declared in the Words following, viz.* "That no Execution shall be issued during the Term aforesaid from the Office of any Clerk "of any of the Inferiour Courts of Common Pleas or of the Superiour Courts of Judicature, for any Sum whatsoever, unless the Plaintiff or Plaintiffs (suing in his "or their own Right) shall first take the Oath aforesaid, and Certificate thereof "shall be made on such Execution." *And whereas such Clerk* ex officio *is not impowered to administer such Oath, and by Means thereof great Delay may be occasioned to many Plaintiffs, and Loss and Damage thereby arise:*

Clerks of the Courts impowered to administer Oaths upon taking out Executions.

**Be it therefore enacted**, That the Clerks of the Superiour Court of Judicature and the several Clerks of the Inferiour Courts of Common Pleas within this Province, be and hereby are impowered to administer such Oath (when it hath not already been done before a Justice of Peace, and certified to the Clerk) to any Plaintiff or Plaintiffs whatsoever (suing in his or their Right and dwelling within this Province) and Certificate may and shall be made thereof accordingly; and for administring the Oath as aforesaid such Clerk shall be allowed *three Pence*, and no more.

Fee for administring the Oath and for certifying it.

**And be it further enacted**, That for each Certificate on an Execution, the Clerk of the Court signing the same shall be allowed *three Pence* lawful Money, and no more; and the Cost and Charge of such Oath and Certificate shall be added to the Sum in the Execution required to be levied accordingly.

---

## CHAP. V.

## An Act for ascertaining the Rates at which coined Silver and Gold and English Half-Pence and Farthings may pass within this Government.

15 *G.* 2. ca. 4.

Preamble.

*WHEREAS in and by an Act made and passed in the twenty-second Year of his present Majesty's Reign, Intituled,* An Act for drawing in the Bills of Credit of the several Denominations which have at any Time been issued by this Government and are still outstanding, and for ascertaining the Rate of coin'd Silver in this Province for the future; *it is enacted in the Words following*, viz. "That all Bargains, and Contracts, Debts and Dues whatsoever which "shall be agreed, contracted or made after the thirty first Day of *March* 1750, "shall be understood, and are hereby declared to be in Silver at *six Shillings* "*and eight Pence* per Ounce, and all Spanish mill'd Pieces of Eight of full "Weight shall be accounted, taken and paid at the Rate of *six Shillings* per Piece "for the discharge of any Contracts or Bargains to be made after the said thirty "first Day of *March* 1750; the Halves, Quarters and other less Pieces of the "same Coin to be accounted, received, taken or paid in the same Proportion." *And whereas there is great Reason to apprehend that many and great Inconveniencies may arise in Case any coin'd Silver or Gold, or English Half Pence and Farthings should pass at any higher Rate than in a just Proportion to Spanish Pieces of Eight or coin'd Silver at the Rates aforesaid:*

Rates of Coins stated.

**Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives**, That it shall not be lawful for any Person within this Government from and after the thirty-first Day of *March* One Thousand seven Hundred and fifty, to receive take or pay any of the following Coin at any greater or higher Rate than is allowed by this Act, *viz.* A Guinea at *twenty-eight Shillings*: An English Crown at *six Shillings and eight Pence*: An half Crown at *three Shillings and four Pence*: An English Shilling at *one Shilling and four Pence*: An English six Pence at *eight Pence*: A double Johannes, or Gold Coin of *Portugal* of the Value of *three Pounds twelve Shillings* Sterling, at *four Pounds sixteen Shillings*: A single Johannes of the Value of *thirty-six Shillings* Sterling, at *forty-eight Shillings*: A Moidore at *thirty-six Shillings*: A Pistole of full Weight at *twenty two Shillings*: Three English Farthings for *one Penny*; and English Half Pence in greater or less Numbers in Proportion.

And

And be it further enacted, That if any Person within this Government shall after the thirty-first Day of *March* One Thousand seven Hundred and fifty, for the discharge of any Contract or Bargain, account, receive, take or pay any of the several Species of Coins before mentioned at any greater or higher Rate than at which the same is hereby regulated, settled and allowed to be accounted, received, taken or paid, every Person so accounting, receiving, taking or paying the same contrary to the Directions herein contained, shall forfeit the Sum of *fifty Pounds* for every such Offence, one Moiety thereof to his Majesty for the Use of this Government, the other Moiety to such Person or Persons as shall sue for the same; to be recovered with full Costs of Suit by Action of Debt, Bill, Plaint or Information in any of his Majesty's Courts within this Province.

Penalty for giving more for any the said Coins than according to Establishment.

*Provided always*, and it is hereby declared, That nothing in this Act shall be understood to restrain any Person or Persons from accounting, receiving taking or paying any of the abovementioned Species or Coins in discharge of any Debts, Contracts or Bargains made before the thirty-first Day of *March* One Thousand seven Hundred and fifty, at the following Rates, *viz.* For any Debt contracted before the said thirty-first Day of *March*, and understood to be payable in Bills of the old Tenor in such Proportion higher or greater than the Rates set at in this Act, as *forty five Shillings* is to *six Shillings*; and for any Debt contracted before the said thirty-first Day of *March*, and understood to be payable in Bills of the middle Tenor or Bills of the new Tenor, in such Proportion higher or greater than the Rates set at in this Act as *eleven Shillings and three Pence* is to *six Shillings*: Any Thing in this Act to the contrary notwithstanding.

Proviso relating to Bargains &c. made before *March* 31st 1750.

## CHAP. VI.

## An Act in further Addition to the several Acts of this Province made for the Distribution and Settlements of the Estates of Intestates.

4 *W.* & *M.* ca. 2.

*WHEREAS by the Laws of this Province made for the Distribution and Settlement of the Estates of Intestates, it is provided that such Real Estates as cannot (without Prejudice to or spoiling them) be divided among all the Children of any Person dying Intestate and leaving Children, may be settled on one or so many of them as the Estate will conveniently accommodate; but no Provision by Law has as yet been made for the like Settlement of Estates (uncapable of a Division among all the Heirs) where the Intestate dies without Issue:*

Preamble.

Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives, That where the Real Estate of any Person dying Intestate and not leaving Issue, cannot be divided among all the Heirs, without great Prejudice to or spoiling the whole, the Judge of the Probate of Wills in the County in which such Intestate Person last dwelt, shall have Power, and he is hereby authorized to order and assign the same to one or so many of the next of Kin to such Intestate in equal Degree, or their legal Representatives, as such Estate will conveniently accommodate without Prejudice to or spoiling the whole (Preference being given to the Male Heirs among such as are of Kin in equal Degree) in Manner as the same might by Law have been settled on the Children of the Intestate in Case he or she had left Issue.

Settlement of Intestate Estates where there is no Issue.

AN

# An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and held at *Boston* upon Wednesday the thirtieth Day of *May*, 1750. And continued by Prorogations to Wednesday the twenty-sixth of *September* following.

## CHAP. I.

## An Act in Explanation of an Act made in the Reign of King *William* the Third, Intituled *An Act for Review in Civil Causes*

13 *W.* ca. 16. 24 G. 2. ca. 11.

Preamble.

*WHEREAS some Doubt has arisen and may arise, whether the Act made in the thirteenth Year of the Reign of King* William *the Third, Intituled,* An Act for Review in Civil Causes, *extends to Judgments given, on Information filed by Impost Officers or their Deputies for the Declaration of the Forfeiture of Goods by them seized:*

Explanation of an Act on Reviews.

**Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives,** That the said Act doth not, nor ever did, neither ought to be construed to extend to Judgments given on such Informations.

# Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston*, upon Wednesday the thirtieth Day of *May*, 1750. And continued by Prorogations to Thursday the tenth Day of *January* following.

## CHAP. II.

## An Act to regulate the Importation of *Germans* and other Passengers coming to settle in this Province.

Preamble.

*WHEREAS* Germans *and other Persons may be imported in so great Numbers in one Vessel, that through want of necessary Room and Accommodations, they may often contract mortal and contagious Distempers, and thereby occasion not only the Death of great Numbers of them in their Passage, but also by such Means on their Arrival in this Province, those who may survive, may be so infected as to spread the Contagion, and be the Cause of the Death of many others:*

To the End therefore that such an evil Practice may be prevented, and Inconveniencies thence arising avoided as much as may be;

Sufficient Room & Provisions to be allowed to Passengers coming in any Vessel to settle in this Province.

**Be it enacted by the Lieutenant Governour, Council and House of Representatives,** That from and after the Publication of this Act, no Master or Commander of any Ship, or other Vessel whatsoever, bound to the Port of *Boston*, or elsewhere within this Province, shall import into said Port of *Boston*, or into any other Port within this Province, any greater Number of Passengers in any one Ship or other Vessel than such only as shall be well provided with good and wholesome Meat, Drink and other Necessaries for Passengers and others during the whole Voyage; and shall have Room therein to contain for single Frieght or Passengers of the Age of fourteen Years or upwards, at least six Feet in Length, and one Foot and six Inches in Breadth, and if under the Age aforesaid

said, to contain the same Length and Breadth for every two such Passengers; and if any Master or Commander of any Ship or other Vessel against the Tenor of this Act, shall import into this Province any one or greater Number of Passengers not accommodated or provided during his Voyage with good and wholesome Meat, Drink, Room and other Necessaries as aforesaid, such Master or Commander shall forfeit and pay for every Passenger so imported into this Province, the Sum of *five Pounds*, to be recovered by Action of Debt, with full Costs of Suit, in any Court of Record within this Province: The one Half of said Forfeiture to any one who will sue for the same to Effect, and the other Half to the Province Treasurer, to be applied towards Payment of the Charges and Expences of this Province: Provided such Action shall be commenced within the Space of forty Days next after any such Offence shall be committed; or such Delinquent may be indicted for the same in the next court of General Sessions of the Peace for the County where the Offence shall be committed; and on due Conviction be fined at the Discretion of the Court not exceeding *five Pounds* for each Passenger, exceeding the Number by this Act allowed to be imported as aforesaid.

Penalty to any delinquent Master.

*And to the End this Act and the Provisions herein made may be more particularly observed*;

**Be it further enacted**, That the Commissioner of Impost for the Time being, or his lawful Deputies, in going on board any Ship or other Vessel importing Passengers either by his or their View, or otherwise, shall and is hereby required to inform himself of the Condition and Circumstances of the Passengers on board, and whether they have been provided for and accommodated with the Provisions, Room and other Necessaries herein directed: And where at any Time a Deficiency shall appear to him or any of them, he or they shall forthwith give Notice of the same to some one or more of the Justices of the Peace for the County where the Offence is committed, to the End the Person or Persons delinquent may be sent for or bound over to the next Court of General Sessions of the Peace, then and there to answer for such Offence.

The first Officer & his Deputies impowered to make Inquiry referring to the Observation of this Act.

**And be it further enacted** That every Master or Commander of any Ship or other Vessel importing any Passenger or Passengers to be landed within this Province, who in their Passage hither, or soon after their Arrival, may happen to die, leaving Goods, Chattles, Money or other Effects on board such Ship or other Vessel, or in the Hands or Custody of any such Master or Commander, every such Master or Commander within the Space of twenty Days next after his Arrival, or after the decease of every such Passenger, shall exhibit to the Register of the Judge of Probate of Wills, and granting Administration for the County where such Goods and Effects shall be, a true and perfect Inventory, upon Oath, of all such Goods, Chattles, Money or other Effects to the End that after Payment of all just Demands which shall be due to the said Master or Commander, or to his or their Owner or Owners, the Remainder of such Goods and Effects may be committed to the Custody of some proper Person or Persons, for the Benefit of the Wife and Children or other Kindred or Creditors of the Deceased, as the Case may require, and the Law in such Case shall direct.

Provision for saving the Money Goods &c of any Passengers that may die on the Passage.

**And be it further enacted**, That if any such Master or Commander of any such Ship or other Vessel shall neglect or refuse to exhibit such an Inventory of the Goods and Effects of any such Passenger or Passengers so dying as aforesaid, every such Master or Commander shall forfeit and pay the Sum of *Two Hundred Pounds*, to be recovered and applied as aforesaid.

Penalty for any Masters Neglect of exhibiting an Inventory of such Goods &c

## CHAP. III.

## An Act for holding a Superiour Court of Judicature Court of Assize and General Goal Delivery at other Times than those already appointed by Law.

*WHEREAS the Time by Law appointed for holding the Superiour Court of Judicature Court of Assize and General Goal Delivery, is*

Preamble.

*but once in six Months in any County, and but once a Year in many Counties, by Reason whereof Felons by making their Escape, or by the Death of Witnesses, may avoid Justice, or great Charges may arise by keeping such Offenders in Goal, as well as Damages accrue to Witnesses by being detained until the Time by Law appointed for holding the Court where such Offenders are triable: And as there is not by the Laws of this Province sufficient Provision made for remedying the Inconveniencies aforesaid:*

Governor and Gouncil impowered to call a Special Court of Assize &c.

**Be it enacted by the Lieutenant Governour, Council and House of Representatives,** That the Governour or Commander in Chief for the Time being by and with the Advice and Consent of the Council, may upon such Occasions, by Precept directed to the Justices of the Superiour Court of Judicature Court of Assize and General Goal Delivery, order and appoint them to hold a Superiour Court of Judicature Court of Assize and General Goal Delivery, for inquiring of, hearing and determining all such Felonies, on certain Days and Places by them to be appointed in the County where such Offence by Law is triable; and that the Justices aforesaid upon the Receipt of such Precept, shall cause Process to issue for summoning Grand Jurors and Petit Jurors out of the several Towns, as is usual for the stated Courts, to attend such Special Court at the Time and Place appointed by the Justices thereof for holding the same, and make out all other necessary Process, and do whatever else is or may be requisite to be done for the holding such Court, inquiring of such Felonies, hearing and determining the same, giving Judgment and awarding Execution thereon, as fully as the Superiour Court of Judicature Court of Assize and General Goal Delivery might or could do at a Time by Law appointed for holding such Court.

How the Court may be adjourned.

**And be it further enacted,** That if any such special Court cannot be held on the Day appointed therefor, any one of the Justices thereof may adjourn the same from Time to Time until such Court can be held.

## Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the thirtieth Day of *May*, 1750, And continued by Prorogations and Adjournment to Wednesday the twenty-seventh Day of *March* following.

### CHAP. IV.

17 G. 2. ca. 3.

### An Act in Addition to the several Laws already in Being for the more speedy finishing the *Land Bank* or *Manufactory Scheme*.

Preamble.

*WHEREAS an Assessment was made by the Commissioners appointed by the Act of this Province, pass'd in the seventeenth Year of his present Majesty's Reign, Intituled,* "An Act for the more speedy "finishing the Land-Bank or Manufactory Scheme," *on certain delinquent Partners, so called, and said Assessment was published in the* Boston Gazette *or* Weekly Journal *of the 21st of* August 1744; *and another Assessment was made by said Commissioners on other delinquent Partners, so called, and published in the* Boston Gazette *or* Weekly Journal *of the 13th of* November 1744, *and a further Assessment was made by said Commissioners on the late Directors and Partners of said Company, and published in the Supplement to the* Boston Evening-Post *of the 27th of* December 1745: *All which Assessments have been received in Part only. And whereas by Reason of the burning of the Court-House in* Boston *and the Papers that were therein relating to the* Land-Bank *or* Manufactory Scheme, *it is now become impossible to ascertain the exact Sum which has been paid by said Directors and Partners in Consequence of said Assessments, otherwise than from the Books, Papers or other Evidence which may be produced by said Directors and Partners themselves:*

Be

Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives, That each and every one of said late Directors and Partners assessed by said Commissioners whose Names are published in the aforesaid *Gazettes* or *Journals* of the 21st of *August* 1744, and of the 13th of *Novem.* 1744, and the Supplement to the *Boston Evening Post* of the 27th of *December* 1745, and their Estates shall be held and are hereby declared to be liable to the Payment of the Sums affixed to their Names respectively, saving such Part thereof only which said Directors and Partners or their Representatives shall make appear by Receipts or other Evidence, which shall be satisfactory to the Commissioners, has already been paid in Discharge of said Assessments; and each and every of the said Directors and Partners in the several Assessments aforesaid, and their Estates, shall likewise be held and are hereby declared to be liable to the Payment of Interest on the whole or such Part of their respective Assessments as they shall not make appear to have been discharged, at and after the Rate of *six per Cent.* per Annum, to be computed from the Time such Assessment or such Part thereof respectively as shall remain unpaid became payable or due, until the Time of Payment; and each and every of the delinquent Partners whose Names were published in the *Gazettes* of 21st *August* and 13th *November* 1744, and their Estates as aforesaid, are held and hereby declared to be liable to the Payment of the further Sum of *ten per Cent.* and each and every of the Directors and Partners whose Names were published in the Supplement to the *Boston Evening-Post* of the 27th *December* 1745, and their Estates, are held and hereby declared to be liable to the Payment of *five per Cent.* on the Sums respectively due and unpaid, over and above the Interest aforesaid, in Consideration of the Charges which have been caused by their Nonpayment of their respective Parts of the Assessments aforesaid.

Directors and Partners to be held to the Payment of the Sum affixed to their Names in the *Boston Gazette* &c.

Saving what is already paid.

Six per Cent. added as Interest.

Ten per Cent. added.

Five per Cent. added for Charges.

*And whereas there appears to be a Balance due from several of said Directors, agreable to a Report of a Committee of the General Court signed* John Wheelwright *per Order, and dated* April *17th* 1751, *and the Vote or Order of the General Court accepting said Report, amounting in the whole to* seven Hundred and forty-eight Pounds three Shillings and three Pence *Land-Bank Money, so called: And whereas it is reasonable that each and every of the Directors of said Company should pay the Sum of* forty Pounds *Land Bank Money, as their Proportion to what the Partners have already been assessed for the Charge and Loss sustained by said* Land Bank *or* Manufactory *Company, over and above the Sum of* twenty Pounds *lawful Money which has heretofore been assessed on each of said Directors:*

Preamble.

Be it therefore enacted, That the several Directors still surviving and mentioned in said Report, and their Estates, and also the Estates of such of said Directors as are deceased, be and hereby are declared to be held and made liable to the Payment of the aforesaid Balances as are respectively declared by said Report to be due from them to said Company; and also to the further Sum of *forty Pounds* Land Bank Money each as aforesaid, such Payments to be made in Land Bank Money or lawful Money equivalent.

Directors to pay the Balances in the Committees Report.

And be it further enacted, That if either of the late Directors and Partners, or their Heirs, Executors or Administrators, shall not have paid the Sums which by this Act they the said Directors and Partners or their Estates are held and made liable to the Payment of, on or before the first Day of *August* 1751, then and in such Case the said Commissioners be and hereby are impowered and required (any Judgments of Court heretofore obtained and unsatisfied notwithstanding) forthwith to issue their Warrants of Distress against the Persons or Estates of each surviving Director and Partner, and the Estates of each Director and Partner deceased, from whom any Part of the Sum required by this Act to be paid as aforesaid shall then remain due: Which Warrant shall be in the Form following:

Warrants to be issued against the Directors and Partners.

Form of the Warrants of Distress.

*To the Sheriff of the County of* A. *his Under-Sheriff or Deputy.* Greeting.

*BY Virtue of the Authority given to us in and by an Act made and pass'd in the twenty-fourth Year of his Majesty King* GEORGE *the Second, Intituled,* An Act in Addition to the several Laws already in Being for the more speedy finishing the *Land Bank* or *Manufactory Scheme ; These are in his Majesty's Name to require you to levy by Distress and Sale of the Estate of* A. B. *of* C. *in the County of* E. *the Sum of* . . *Lawful Money, and bring the same to us at our Office in* Boston *forthwith, returning the Overplus (if any be) to the said* A. B. *and if there cannot be found in your Precinct, Estate sufficient to discharge the same, then you are to commit the said* A. B. *if to be found in your Precinct, to the common Goal of the County of* E. *there to remain until he has paid the said Sum of* . . *Lawful Money and Charges : For all which this shall be your sufficient Warrant ; save only that if you shall take the Real Estate of the said* A. B. *that then the said* A. B. *his Heirs, Executors, Administrators or Assigns, shall have Liberty for three Months thereafter to redeem the same ; and if the same shall not be redeemed within three Months as aforesaid, by paying said Sum of and Charges, then you are required to sell the same as aforesaid, and return this Warrant and your Doings thereon, into the Office of the Register of Deeds for the County of* E. *there to be recorded.*

*Given under our Hands and Seals at* Boston *the Day of* 175 *in the Year of our Sovereign Lord by the Grace of GOD King of* Great-Britain, *&c.*

*J. J.*
*S. D.*
*J. C.*

Officers impowred to execute said Warrants.

And all Sheriffs, their Under-Sheriffs and Deputies, are impowered and required to execute the said Warrant on the Persons whose Names shall be inserted therein, or their Estates Real or Personal : And where the Sheriff his Under-Sheriff or Deputy is concerned, such Warrant may be directed to the Coroner of the County of *A.* or his Deputy, and be executed by either of them : And as some of said Persons are or may be deceased, or out of the Province, before such Warrant or Warrants of Distress shall be issued, the said Sheriffs and Coroners are hereby impowered and directed to take such Estate as they may find belonged to such deceased Person, or was by Law liable to be taken, if such deceased Person or Persons were then living, and in the Province ; The Estate taken, whether Real or Personal, to be sold, and the Overplus, if any, to be returned, as by Law required in ordinary Cases of Execution or Distress, save only that the Liberty of redeeming the Real Estate shall extend to three Months only after being taken ; upon the Expiration of which Term of three Months, if the same be not redeemed, the Sheriff or other Officer who took the same, shall return the Warrant of Distress, with his Doings thereon, into the Office of Register of Deeds in the County where the Lands lie, there to be recorded.

Three Months allowed to redeem real Estates.

Preamble.

*An whereas it may happen that a further Sum may be still necessary to be raised in order to finish the Affairs of the said* Land Bank *or* Manufactory *Company* :

Commissioners impowred to make further Assessments.

Be it further enacted, That if the whole Sum which shall be due and which shall be recovered on or before the first Day of *December* 1751, on the several Assessments aforesaid, and from the several Directors for what is by this Act declared to be due from them, shall not be sufficient to exchange the whole of the Bills of said Company that are now outstanding, and to pay the Charges that have arisen or may arise therein, then and in such Case the Commissioners aforesaid be and hereby are impowered and required to make a further Assessment on Directors and Partners in Proportion to the Sum which shall appear to the Satisfaction of the Commissioners to have been originally received or taken out by each Person, saving only that each Director shall be assessed in Proportion as if he had received or taken out *two Hundred and fifty Pounds*, altho' the certain Sum

Sum by such Director received or taken out shall not appear: And said Commissioners shall cause such Assessment to be published in the *Boston Gazette* or *Weekly Journal*, and each of the Persons who may be so assessed and their Estates shall be held and are hereby declared to be liable and obliged to the Payment of the respective Sums on them assessed in like Manner as those Directors and Partners who have not paid the former Assessments, are by this Act declared to be liable and obliged to the Payment thereof: And if either of the Directors or Partners so assessed or their Executors or Administrators shall not within sixty Days after the Publication of such Assessment, pay to said Commissioners the Sum on such Director or Partner assess'd, the said Commissioners are hereby required and impowered, unless such Assessment shall be set aside or disanulled by the General Court, forthwith to issue their Warrants of Distress against the Persons or Estates of each surviving Director and Partner, and the Estates of each Director and Partner deceased respectively; which Warrants shall be in the Form before prescribed by this Act: And all Sheriffs, Under-Sheriffs and their Deputies, and where they are interested, all Coroners are impowered and required to execute such Warrants in like Manner, and observe the same Rules as prescribed for the executing Warrants for any of the former Assessments mentioned in this Act.

Assessments to be published.

Warrants to be issued on such Assessments.

*And whereas in by the aforerecited Act Intituled,* An Act for the more speedy finishing the *Land Bank* or *Manufactory Scheme, it is enacted in the Words following;* "That from and after the Publication of this Act the Estate of each and every such Director and Partner shall be thereby bound and subjected to the Payment of such Sum or Sums of Money as shall be assessed upon him by the said Commissioners or any two of them, with the Approbation and Allowance of the Great and General Court of this Province (as is herein after mentioned) for the Redemption of their respective Proportions of the Bills of the said late Company, and their equitable Part and Share of all Losses and Charges arising by the said Scheme, in such Manner as the same would be bound and subjected by the actual Service of Process of Attachment upon it at the Suit of any Creditor according to the ordinary Course of the Law and the Usage within this Province."

Preamble.

**Be it therefore enacted,** That all every and Part of the Lands and Tenements of each and every Director and Partner which were bound and subjected by the said last recited Clause, in whose Possession soever the same now is or hereafter may be, be and hereby is declared to continue to be held, subjected and liable to the Payment or Discharge of the Sums declared by this Act respectively to be due from or required to be assessed upon such Director and Partner, as well those who shall be deceased as those who shall have survived, and shall be liable to be taken by Distress, as if then in the actual Possession of such Director or Partner.

Real Estates subjected to satisfy the same.

**And be it further enacted,** That as soon as the Commissioners shall have received a sufficient Sum in their Judgment to redeem the *Land Bank* Bills, so called, which may be outstanding, they shall give publick Notice thereof in all the Weekly News-Papers published in the Town of *Boston* three Weeks successively, of the Time or Times and Place or Places in said Town when and where they will attend to redeem said Bills, which publick Notice hereby is made and declared to be a legal Tender to all and every Possessor and Possessors of said Bills.

Notice to be given by Commissioners of their redeeming the Land Bank Notes.

ACTS

# Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and held at *Boston* upon Wednesday the twenty-ninth Day of *May*, 1751.

## CHAP. V.

## An Act to enable and impower the Inhabitants of new Plantations within this Province enjoined and subjected by Law, or that may hereafter be enjoined and subjected to pay Province and County Taxes, to assess, levy and collect the same.

Preamble. *WHEREAS there are sundry new Plantations within this Province by Law enjoyned to pay Province and County Taxes, that are not impowered to choose the proper Officers to assess levy and collect the said Taxes:*

Freeholders of new Plantations to have a Meeting in *August* next to chuse Officers. **Be it enacted by the Lieutenant Governour, Council and House of Representatives,** That the Freeholders of every such new Plantation be and are hereby impowered and required to assemble together on the first Monday of *August* next, at the usual Places for holding their publick Meetings, and being so assembled shall choose a Moderator and Clerk for said Meeting; which Clerk shall be immediately sworn truly to enter and record all such Votes as shall be passed at said Meeting, by a Justice of the Peace if any be present; otherwise by the Moderator of said Meeting: And shall then proceed to choose three Assessors to make a Valuation of Estates and Faculties of Persons in such Plantations, agreable to Law, and to assess such Province and County Taxes as are or shall be set on the Inhabitants of such new Plantation, to be paid this or any former Year; as also a Collector to levy and collect the same, which Assessors and Collectors shall be sworn to the faithful Discharge of the Duty of their respective Offices before a Justice of the Peace for the County within which such new Plantation lies, if present, otherwise by the Clerk for said Meeting.

Inhabitants of New Plantations to meet in *March* annually. **And be it further enacted,** That the Inhabitants of the aboveſaid Plantations, qualified as by Law is required of Voters in Town Affairs, are hereby impowered and enjoined sometime in the Month of *March* annually to assemble together (upon due Notice given by the Collector or Collectors then in Office, pursuant to Warrant under the Hands of the Assessors or the major Part of them who shall have been last chosen, and who are hereby impowered and required to issue such Warrant) at such Time and Place as shall be by said Assessors appointed; and shall then and there choose a Clerk for said Meeting, who shall be sworn in Manner as is before prescribed for the Swearing the Clerk for the first Meeting, and three Assessors, and one or more Collectors to assess and levy such Province and County Taxes on said Inhabitants, as they shall from Time to Time be enjoined by Law to pay; and said Assessors and Collectors, as well those that shall be chosen on the said first Monday of *August*, as those who shall by Virtue of this Act be hereafter annually chosen in said new Plantations, shall be liable to all such Penalties (in Case they or any of them shall refuse to be sworn and serve in said Offices, or in Case of any Default therein) as the Assessors of Province and County Taxes for Towns are by Law liable, or may be subjected to; and said Assessors are hereby impowered and required to make out such Warrants (*mutatis mutandis*) as Assessors of County Taxes for Towns are by Law impowered to make out, and to direct the same to said Collector or Collectors; and the said Collector or Collectors are hereby impowered to levy, collect and enforce the Payment of all the aforesaid Taxes in all such Ways, and

Duty of Assessors and Collectors of Taxes.

and by all such Means as Constables and Collectors of Province and County Taxes are by Law impowered to do of the Inhabitants of the Towns within this Province.

Duty of the Clerks.

And the Clerk at said annual Meeting shall immediately on the Election of said Assessors and Collectors, make and give out to the Collector or Collectors for the then last preceeding Year a List of the Names of those Persons who shall be chosen Assessors and Collectors at said Meeting for the ensuing Year, which Collector or Collectors shall forthwith thereupon summon each of said Assessors and Collectors for the then ensuing Year, to appear at a certain Time and Place, within the space of seven Days from the Time of their Election, before a Justice of the Peace if any dwell in such new Plantation, or otherwise before the Clerk chosen at said Meeting, to take the Oath (*mutatis mutandis*) which Assessors and Collectors of publick Taxes for Towns are by Law enjoined to take, which Oath said Clerk in such Case is hereby impowered to administer.

*And to the Intent that the Inhabitants of said new Plantations may have due Notice and Warning given them of the Meeting, which they are before in this Act impowered and required to hold on the first Monday of* August *next, and of the Ends and Purposes thereof:*

Clerk of the Peace in the County to notify the Meeting in *August* next.

Be it enacted, That each Clerk of the Court of General Sessions of the Peace for the several Counties within this Province wherein any of the aforesaid new Plantations lie, shall in some convenient Time before the said first Monday of *August* next, make and cause to be delivered a Warrant under his Hand directed to some principal Inhabitant in each of said new Plantations within their respective Counties, therein expressing the Time, Place and Purposes for holding said Meetings, and requiring such Inhabitants to notify all the Inhabitants of said new Plantations (qualified as in this Act is provided) of said Meeting, and the Time, Place and Purposes thereof, three Days at least before the Time set in this Act for holding the same; which Warrant the Inhabitant to whom said Warrant shall be directed, is hereby enoined and required to execute, and make Return of under his Hand into said Meeting, under the Penalty of *forty Shillings*, to be recovered by Complaint, Information or Action of Debt, before any of His Majesty's Justices of the Peace for the County wherein said Inhabitant (making Default in the Premisses shall dwell;) said *forty Shillings* to be for the Use and Benefit of the Person or Persons who shall inform or sue for the same.

## CHAP. VI.

## An Act in Addition to an Act made and passed in the first Year of the Reign of his Majesty King *George* the first, Intituled *An Act for building and maintaining a* Light-House *upon the* Great Brewster (*called* Beacon-Island) *at the Entrance of the Harbour of* Boston.

Preamble.

WHEREAS *the* Light House *at the Entrance of the Harbour of* Boston *hath been greatly damaged by Fire; and it hath been ordered by this Court that it should be repaired; and it being reasonable that the Charge of such Repairs should be born by those who receive the immediate Benefit thereof:*

New Duty for the Light-House.

1 *G.* ca. 3.

Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives, That the Commissioner of Impost be and hereby is directed by himself and his several Deputies, to demand and receive of the Master of of every Vessel (which within the Space of two Years from the Publication of this Act shall Clear out from any Port within this Province, being bound to any Port without this Province) over and above what is already by Law provided, the following Rates at each Time of Clearance; *viz.* For every Vessel of less than one Hundred

Hundred Tons *two Shillings*; for every Vessel of above one Hundred Tons, and not exceeding two Hundred Tons, *three Shillings*; and for every Vessel of above two Hundred Tons, *four Shillings*; The Tonnage to be computed according to what such Vessels may Measure in Carpenter's Tonnage, and not according to the Register of such Vessel: And the said Commissioner of Impost shall once in every Quarter of the Year pay such Sums as he or his Deputies shall receive for the aforesaid Duties, to the Province Treasurer, to be applied to the Uses aforesaid.

## CHAP. VII.

### An Act for altering the Time appointed for holding the Court of General Sessions of the Peace and Inferiour Court of Common Pleas at *Concord* within and for the County of *Middlesex*.

Preamble.

*WHEREAS the Time appointed by Law for holding the Court of General Sessions of the Peace and Inferiour Court of Common Pleas at* Concord, *within and for the County of* Middlesex, *is found to be inconvenient*:

Time for holding the Courts at *Concord* altered.

**Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives**, That the Time for holding the said Court of General Sessions of the Peace and Inferiour Court of Common Pleas at *Concord* for the County of *Middlesex*, shall henceforth be on the first Tuesday of *September* annually; and all Officers and other Persons concerned, are required to conform themselves accordingly.

Processes to remain good.

**And be it further enacted**, That all Writs, Suits, Plaints, Processes, Appeals, Reviews, Recognizances, Warrants, or other Matters or Things whatsoever which now are, or at any Time before the said first Tuesday of *September* shall be issued, taken or depending in the said County of *Middlesex*, which were to have been returned or proceeded on at the Time heretofore appointed by Law for holding the said Courts at *Concord*, shall be valid and stand good to all Intents and Purposes in the Law, and shall be returned and proceeded on at the Time appointed by this Act for holding the same.

## CHAP. VIII.

### An Act for altering the Time for holding the Court of General Sessions of the Peace and the Inferiour Court of Common Pleas for the County of *Nantucket*.

Preamble.

*WHEREAS the Time by Law appointed for holding the Court of General Sessions of the Peace, and Inferiour Court of Common Pleas for the County of* Nantucket, *on the last Tuesday of* March *annually, is found on diverse Accounts inconvenient*:

Time for holding *Nantucket* Courts altered.

**Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives**, That the said Court of General Sessions of the Peace, and Inferiour Court of Common Pleas appointed to be holden for the County of *Nantucket* upon the last Tuesday of *March*, shall hereafter be holden and kept upon the first Tuesday of *March* annually.

At

At the Parliament begun and holden at *Westminster*, the Tenth Day of *November*, *Anno Dom.* 1747, in the Twenty-first Year of the Reign of our Sovereign Lord *GEORGE* the Second, by the Grace of God, of *Great Britain*, *France* and *Ireland*, King, Defender of the Faith, *&c.*

And from thence continued by several Prorogations to the Seventeenth Day of *January* 1750, being the Fourth Session of this present Parliament.

## CHAP. IX.

## An Act for Regulating the Commencement of the Year; and for Correcting the Calendar now in Use.

Preamble.

WHEREAS the legal Supputation of the Year of our Lord in that Part of *Great Britain* called *England*, according to which the Year beginneth on the Twenty fifth Day of *March*, hath been found by Experience to be attended with divers Inconveniencies, not only as it differs from the Usage of neighbouring Nations, but also from the legal Method of Computation in that Part of *Great-Britain* called *Scotland*, and from the Common Usage throughout the whole Kingdom, and thereby frequent Mistakes are occasioned in the Dates of Deeds, and other Writings, and Disputes arise therefrom: And whereas the Calendar now in use throughout all his Majesty's *British* Dominions, commonly called, *The Julian Calendar*, hath been discovered to be erroneous, by Means whereof the Vernal or Spring Equinox, which at the Time of the General Council of *Nice*, in the Year of our Lord three Hundred and twenty-five, hapned on or about the Twenty-first Day of *March*, now happens on the Ninth or Tenth Day of the same Month; and the said Error is still encreasing, and if not remedied, would, in Process of Time, occasion the several Equinoxes and Solstices to fall at very different Times in the Civil Year from what they formerly did, which might tend to mislead Persons ignorant of the said Alteration: And whereas a Method of correcting the Callendar in such Manner as that the Equinoxes and Solstices may for the future fall nearly on the same nominal Days, on which the same happened at the Time of the said General Council, hath been received and established, and is now generally practised by almost all other Nations of *Europe*: And whereas it will be of general Convenience to Merchants, and other Persons corresponding with other Nations and Countries, and tend to prevent Mistakes and Disputes in or concerning the Dates of Letters and Accounts, if the like Correction be received and established in his Majesty's Dominions: May it therefore please your Majesty, that it may be enacted: *And*

*be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the Authority of the same,* That in and throughout all his Majesty's Dominions and Countries in *Europe, Asia, Africa and America*, belonging or subject to the Crown of *Great-Britain*, the said Supputation, according to which the Year of our Lord beginneth on the Twenty-fifth Day of *March*, shall not be made Use of from and after the last Day of *December*, One Thousand seven Hundred and Fifty-one; and that the first Day of *January* next following the said last Day of *December*, shall be reckoned, taken, deemed, and accounted, to be the first Day of the Year of our Lord One Thousand seven Hundred and fifty-two; and the first Day of *January* which shall happen next after the said first Day of *January* One Thousand seven Hundred and fifty-two, shall be reckoned, taken, deemed, and accounted, to be the first Day of the Year of our Lord One Thousand seven Hundred and fifty three, and so on from Time to Time, the first Day of *January*, in every Year which shall happen in Time to come, shall be reckoned, taken, deemed and accounted, to be the first Day of the Year; and that each new Year shall accordingly commence, and begin to be reckoned, from the first Day of every such Month of *January*, next preceeding the Twenty-fifth Day of *March* on which such Year would, according to the present Supputation have begun or commenced: And that from and after the said first Day of *January*, One Thousand seven Hundred and fifty two, the several Days of each Month shall go on, and be reckoned and numbred, in the same Order; and the Feast of *Easter*, and other moveable Feasts thereon depending, shall be ascertained according to the same Method, as they now are until the second Day of *September*, in the said Year One Thousand seven Hundred and fifty two inclusive; and that the natural Day next immediately following the said second Day of *September*, shall be called, reckoned, and accounted, to be the fourteenth Day of *September*, omitting for that Time only the Eleven intermediate nominal Days of the common Calendar; and that the several natural Days, which shall follow and succeed next after the said fourteenth Day of *September*, shall be respectively called, reckoned and numbred forwards in numerical Order from the said fourteenth Day of *September*, according to the Order and Succession of Days now used in the present Calendar: And that all Acts, Deeds, Writings, Notes, and other Instruments of what Nature or Kind soever, whether Ecclesiastical or Civil, publick or private, which shall be made, executed, or signed, upon or after the said first Day of *January*, One Thousand seven Hundred and fifty-two, shall bear Date according to the said new Method of Supputation; and that the Two fixed Terms of Saint *Hilary* and Saint *Michael*, in that Part of *Great-Britain* called *England*, and the Courts of great Sessions, in the Counties *Palatine* and in *Wales*, and also the Courts of General Quarter Sessions, and General Sessions of the Peace, and all other Courts of what Nature or Kind soever, whether Civil, Criminal or Ecclesiastical, and all Meetings and Assemblies, of any Bodies Politick, or Corporate, either for the Election of any Officers or Members thereof, or for any such Officers entering upon the Execution of their respective Offices, or for any other Purpose whatsoever, which by any Law, Statute, Charter, Custom or Usage, within this Kingdom or within any other the Dominions or Countries subject or belonging to the Crown of *Great-Britain*, are to be holden and kept on any fixed or certain Day of any Month, or on any Day depending upon the Beginning, or any certain Day, of any Month (except such Courts as are usually holden or kept with any Fairs or Marts) shall, from Time to Time from and after the said second Day of *September*, be holden and kept upon or according to the same respective nominal Days and Times, whereon or according to which the same are now to be holden, but which shall be computed according to the said new Method of numbering and reckoning the Days of the Calendar, as aforesaid; that is to say, Eleven Days sooner than the respective Days whereon the same are now holden and kept: Any Law, Statute, Charter, Custom or Usage to the contrary thereof in any wise notwithstanding.

The old Supputation of the Year, not to be made Use of after *Dec.* 1751

Year to commence for the future on 1 *Jan.*

The Days to be numbered in the same Order, and the Moveable Feasts to be ascertained, as they now are, until 2 *Sept.* 1752 inclusive; and the Day followed to be accounted 14 *Sept* omitting for that Time the intermediate 11 Nominal Days.

All Writings after 1 *Jan.* 1752, to be dated according to the New Stile.

*Hilary* and *Michaelmas* Terms, & all Courts, to be held on the same Nominal Days and Times they now are, after the said 2 *Sept.*

Courts held with Fairs of Marts excepted.

And

And for the continuing and preserving the Calendar or Method of Reckoning and computing the Days of the Year in the same regular Course, as near as may be, in all Times coming; *Be it further enacted by the Authority aforesaid*, That the several Years of our Lord, One Thousand eight Hundred, One Thousand nine Hundred, Two Thousand one Hundred, Two Thousand two Hundred, Two Thousand three Hundred, or any other Hundredth Years of our Lord, which shall happen in Time to come, except only every Fourth hundredth Year of our Lord, whereof the Year of our Lord Two thousand shall be the First, shall not be esteemed or taken to be Bissextile or Leap Years, but shall be taken to be Common Years, consisting of Three hundred and sixty five Days, and no more; and that the Years of our Lord, Two thousand, Two thousand four Hundred, Two thousand eight Hundred, and every other Fourth hundred Year of our Lord, from the said Year of our Lord Two thousand inclusive, and also all other Years of our Lord, which by the present Supputation are esteemed to be Bissextile or Leap Years, shall for the future, and in all Times to come, be esteemed and taken to be Bissextile or Leap Years, consisting of Three hundred and sixty six Days, in the same Sort and Manner as is now used with respect to every Fourth Year of our Lord.

Hundredth Years, except every Fourth Hundred, to be deemed Common Years consisting of 365 Days.

Years which are to be accounted Bissextile or Leap Years, consisting of 366 Days.

And whereas according to the Rule prefixed to the Book of Common Prayer of the Church of *England*, *Easter-day* is always the First *Sunday* after the First Full Moon which happens next after the One and twentieth Day of *March*, and if the Full Moon happens upon a *Sunday*, *Easter-day* is the *Sunday* after; which Rule was made in Conformity to the Decree of the said General Council of *Nice*, for the Celebration of the said Feast of *Easter*: And whereas the Method of computing the Full Moons now used in the Church of *England*, and according to which the Table to find *Easter* for ever, prefixed to the said Book of Common Prayer, is formed, is by Process of Time become considerably erroneous: And whereas a Calendar, and also certain Tables and Rules for the fixing the true Time of the Celebration of the said Feast of *Easter*, and the finding the Times of the Full Moons on which the same dependeth, so as the same shall agree as nearly as may be with the Decree of the said General Council, and also with the Practice of Foreign Countries, have been prepared, and are hereunto annexed; *Be it therefore further enacted by the Authority aforesaid*, That the said Feast of *Easter*, or any of the Moveable Feasts thereon depending, shall from and after the said Second Day of *September*, be no longer kept or observed in that Part of *Great-Britain* called *England*, or in any other the Dominions or Countries subject or belonging to the Crown of *Great Britain*, according to the said Method of Supputation now used, or the said Table prefixed to the said Book of Common Prayer; and that the said Table, and also the Column of Golden Numbers, as they are now prefixed to the respective Days of the Month in the said Calendar, shall be left out in all future Editions of the said Book of Common Prayer; and that the said New Calendar, Tables, and Rules, hereunto annexed, shall be prefixed to all such future Editions of the said Book, in the Room and Stead thereof; and that from and after the said Second Day of *September*, all and every the fixed Feast-days, Holy-days, and Fast-days, which are now kept and observed by the Church of *England*, and also the several solemn Days of Thanksgiving, and of Fasting and Humiliation, which by virtue of any Act of Parliament now in Being, are from Time to Time, to be kept and observed, shall be kept and observed on the respective Days marked for the Celebration of the same in the said New Calendar; that is to say, On the same respective Nominal Days on which the same are now kept and observed; but which according to the Alteration by this Act intended to be made, as aforesaid, will happen Eleven Days sooner than the same now do; and that the said Feast of *Easter*, and all other Moveable Feasts thereon depending, shall, from Time to Time, be observed and celebrated according to the said New-Calendar, Tables, and Rules, hereunto annexed, in that Part of *Great-Britain* called *England*, and in all the Dominions and Countries aforesaid, wherein the Liturgy of the Church of *England* now is, or hereafter shall be used; and that the Two Moveable

*Easter* and the other Moveable Feasts, not to be observed, after the said 2 *Sept.* according to the Table now prefixed to the Book of Common Prayer.

and the said Table, and Column of the Golden Numbers, to be left out in all future Editions of that Book, and the New Calendar, Tables, and Rules, to be prefixed, in the Room thereof.

The Feasts and Fasts, &c. of the Church to be observed after the said 2 *September*, according to the New Calendar.

Terms of *Easter* and *Trinity*, and all Courts of what Nature or Kind soever, and all Meetings and Assemblies of any Bodies Politick or Corporate, and all Markets, Fairs, and Marts, and Courts thereunto belonging, which by any Law, Statute, Charter, Custom, or Usage, are appointed, used, or accustomed to be holden and kept at any Moveable Time or Times depending upon the Time of *Easter*, or any other such Moveable Feast, as aforesaid, shall, from Time to Time, from and after the said Second Day of *September*, be holden and kept on such Days and Times whereon the same shall respectively happen or fall, according to the happening or falling of the said Feast of *Easter*, or such other Moveable Feasts as aforesaid, to be computed according to the said New Calendar, Tables, and Rules. *And be it further Enacted by the Authority aforesaid*, That the several Meetings of the Court of Session, and Terms fixed for the Court of *Exchequer* in *Scotland*; the *April* Meeting of the Governour, Bailiffs and Commonalty of the Company of Conservators of the great Level of the Fens, and the holding and keeping of all Markets, Fairs, and Marts, whether for the Sale of Goods or Cattle, or for the hiring of Servants, or for any other Purpose, which are either fixed to certain Nominal Days of the Month, or depending upon the Beginning, or any certain Day, of any Month, and all Courts incident or belonging to, or usually holden or kept with any such Fairs or Marts, fixed to such certain Times as aforesaid, shall not, from and after the said Second Day of *September*, be continued upon, or according to the Nominal Days of the Month, or the Time of the Beginning of any Month, to be computed according to the said New Calendar, but that from and after the said Second Day of *September*, the said Courts of Session and Exchequer, the said *April* Meeting, and all such Markets, Fairs, and Marts as aforesaid, and all Courts incident or belonging thereto, shall be holden and kept upon, or according to the same Natural Days, upon, or according to which the same should have been so kept or holden, in Case this Act had not been made; that is to say, Eleven Days later than the same would have happened, according to the Nominal Days of the said New Supputation of Time, by which the Commencement of each Month, and the Nominal Days thereof, are anticipated or brought forward, by the Space of Eleven Days; any Thing in this Act contained to the contrary thereof in any wise notwithstanding.

Courts of Session and Exchequer in *Scotland*, and Markets, Fairs and Marts, to be held upon the same Natural Days they should have been holden on, if this Act had not been made.

And whereas, according to divers Customs, Prescriptions, and Usages, in certain Places within this Kingdom, certain Lands and Grounds are, on particular Nominal Days and Times in the Year, to be opened for Common of Pasture, and other Purposes; and at other Times, the Owners and Occupiers of such Lands and Grounds have a Right to inclose or shut up the same, for their own private Use; and there is, in many other Instances, a temporary and distinct Property and Right vested in different Persons, in and to many such Lands and Grounds, according to certain Nominal Days and Times in the Year: And whereas the anticipating or bringing forward the said Nominal Days and Times by the Space of Eleven Days, according to the said New Method of Supputation, might be attended with many Inconveniencies; *Be it therefore further declared, provided, and enacted by the Authority aforesaid*, That nothing in this Act contained shall extend, or be construed to extend, to accelerate or anticipate the Days or Times for the opening, inclosing, or shutting up any such Lands or Grounds as aforesaid, or the Days or Times on which any such temporary or distinct Property or Right in or to any such Lands or Grounds as aforesaid is to commence; but that all such Lands and Grounds as aforesaid, shall, from and after the said Second Day of *September*, be, from Time to Time, respectively opened, inclosed or shut up, and such temporary and distinct Property and Right in and to such Lands and Grounds as aforesaid, shall commence and begin upon the same Natural Days and Times on which the same should have been so respectively opened, inclosed, or shut up, or would have commenced or begun, in Case this Act had not been made; that is to say, Eleven Days later than the same

The Natural Days and Times for the opening and inclosing of Commons of Pasture, not altered by this Act.

same would have happened, according to the said New Account and Supputation of Time, so to begin on the said Fourteenth Day of *September* as aforesaid.

*Provided also, and it is hereby further declared and enacted,* That nothing in this present Act contained shall extend, or be construed to extend, to accelerate or anticipate the Time of Payment of any Rent or Rents, Annuity or Annuities, or Sum or Sums of Money whatsoever, which shall become payable by Vertue or in Consequence of any Custom, Usage, Lease, Deed, Writing, Bond, Note, Contract, or other Agreement whatsoever, now subsisting, or which shall be made, signed, sealed, or entered into, at any Time before the said Fourteenth Day of *September*, or which shall become payable by Virtue of an Act or Acts of Parliament now in Force, or which shall be made before the said Fourteenth Day of *September*, or the Time of doing any Matter or Thing directed or required by any such Act or Acts of Parliament to be done in Relation thereto; or to accelerate the Payment of, or increase the Interest of, any such Sum of Money which shall become payable as aforesaid; or to accelerate the Time of the delivery of any Goods, Chattels, Wares, Merchandize, or other Things whatsoever; or the Time of the Commencement, Expiration, or Determination of any Lease or Demise of any Lands, Tenements, or Hereditaments, or of any other Contract or Agreement whatsoever; or of the accepting, surrendering, or delivering up the Possession of any such Lands, Tenements, or Hereditaments; or the Commencement, Expiration, or Determination of any Annuity or Rent; or of any Grant for any Term of Years, of what Nature or Kind soever, by Virtue or in Consequence of any such Deed, Writing, Contract or Agreement; or the Time of attaining the Age of One and twenty Years, or any other Age requisite by any Law, Custom, or Usage, Deed, Will, or Writing whatsoever, for the doing any Act, or for any other Purpose whatsoever, by any Person or Persons now born, or who shall be born before the said Fourteenth Day of *September*, or the Time of the Expiration or Determination of any Apprenticeship, or other Service, by Virtue of any Indenture, or of any Articles under Seal, or by Reason of any simple Contract or Hiring whatsoever; but that all and every such Rent and Rents, Annuity and Annuities, Sum and Sums of Money, and the Interest thereof, shall remain and continue to be due and payable; and the Delivery of such Goods and Chattles, Wares and Merchandize, shall be made; and the said Leases and Demises of all such Lands, Tenements, and Hereditaments, and the said Contracts and Agreements, shall be deemed to commence, expire, and determine; and the said Lands, Tenements, and Hereditaments, shall be accepted, surrendered, and delivered up; and the said Rents and Annuities, and Grants for any Term of Years, shall commence, cease, and determine, at and upon the same respective Natural Days and Times, as the same should and ought to have been payable or made, or would have happened, in Case this Act had not been made; and that no further or other Sum shall be paid or payable for the Interest of any Sum of Money whatsoever, than such Interest shall amount unto, for the true Number of Natural Days for which the principal Sum bearing such Interest shall continue due and unpaid; and that no Person or Persons whatsoever shall be deemed or taken to have attained the said Age of One and twenty Years or any other such Age, as aforesaid, or to have completed the Time of any such Service, as aforesaid, until the full Number of Years and Days shall be elapsed on which such Person or Persons respectively would have attained such Age, or would have completed the Time of such Service, as aforesaid, in Case this Act had not been made; any Thing herein before contained to the contrary thereof in any wise notwithstanding.

The Natural Days and Times of Payment of Rents, Annuities, Sums of Money, or Interest,

or of the Delivery of Goods.

Commencement or Expiration of Leases, &c.

or of attaining the Age of 21 Years, &c. not altered by this Act.

ACTS

# Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston*, upon Wednesday the twenty-ninth Day of *May* 1751. And continued by Prorogations to Friday the twenty-seventh Day of *December* following.

## CHAP. X.

## An Act in Addition to an Act made and passed in the thirteenth Year of King *William* the Third, Intituled *An Act providing in Case of Sickness.*

13 *W.* ca. 19.

Cloathing and other Goods suspected to be infected liable to be stop'd and secur'd.

BE it enacted by the Lieutenant Governour, Council and House of Representatives, That when and as often as there shall be brought into any Town within this Province, whether it shall be from any other Town within the Province, or from Parts without the Province, any Baggage, Cloathing or Goods of any Kind soever, and it shall be made to appear by the Select-Men of the Town (or major Part of them) to which such Baggage, Cloathing or other Goods shall be brought to the Satisfaction of any one of his Majesty's Justices of the Peace, that there is just Cause to suspect such Baggage, Cloathing or other Goods to be infected with the Plague, Small-Pox, Pestilential Fever, or other malignant contagious Distemper, it shall and may be lawful for such Justice of the Peace, and he is hereby required in such Case by Warrant under his Hand and Seal directed to the Sheriff or his Deputy or any Constable of the Town in which such Baggage, Cloathing or other Goods shall be, requiring him to impress so many Men as said Justice shall judge necessary to secure such Baggage, Cloathing or other Goods to be be secured, and said Men to set and post as a Guard and Watch over the House or Houses or other Place or Places where such Baggage, Cloathing or other Goods shall be lodged; which Guard and Watch are hereby required to take effectual Care to prevent such Baggage, Cloathing or other Goods being removed or intermedled with by any Persons whatever, until due Inquiry be made into the Circumstances thereof; and in Case it shall appear to the said Justice highly probable that such Baggage, Cloathing or other Goods are infected with the Plague, Small-Pox, Pestilential Fever, or other malignant contagious Distemper, said Justice is hereby impowred and directed to issue a Warrant under his Hand and Seal directed to the Sheriff or his Deputy or the Constable of the Town where such Goods, Cloathing or Baggage shall be, requiring said Sheriff, Deputy or Constable to remove said Baggage Cloathing or other Goods, to some convenient House or Place from whence there shall be the least Danger of the Infection's Spreading, or being conveyed, there to remain until such Baggage, Cloathing or other Goods shall be sufficiently aired, and until it shall appear to the Satisfaction of the Select-men of the Town where such Baggage, Cloathing or other Goods shall be, that they be free from all Infection; and said Sheriff, Deputy Sheriff or Constable in the Execution of said Warrant, are impowred and directed if need be, to break up any House, Warehouse, Shop or other Place or Places (particularly mentioned in such Warrant) where such Baggage, Cloathing or other Goods shall be; and in Case of Opposition or Resistance, to require such Aid and Assistance as shall be necessary to effect the Removal of such Baggage, Cloathing or other Goods, and repel the Force and Resistance which shall or may be made thereto: And all Persons are hereby required at the Commandment of either of the said Officers having such Warrant (under the Penalty of *forty Shillings* to be recovered before the Justice granting the same) to assist said Officer in the removing said Baggage, Cloathing or other Goods, unless they make an Excuse to the Satisfaction of such Justice; and the

Manner of proceeding therein.

Penalty for not assisting the Officer.

Charges

Charges of securing such Baggage, Cloathing and other Goods, transporting and airing the same shall be born and paid by the Owners thereof, at such Rates and Prizes as shall be set and appointed by the Select-Men of the Town, where such Baggage, Cloathing or other Goods shall be, and in Case of Refusal, to be recovered by Suit at Law by all and every Person and Persons concerned and employed in and about the Business of securing, removing and airing said Baggage, Cloathing or other Goods. Charges to be born by the Owner of the Goods &c.

And be it further enacted, That if Need so require, any Justice of the Peace may, and is hereby impowered on Application to him made by the Select Men of the Town in which such infected Baggage, Cloathing or other Goods shall be, to make out a Warrant to the Sheriff of the County or his Deputy or Constable of the Town where such Baggage, Cloathing or other Goods shall be, requiring said Officer with the Advice and Direction of the Select-Men of said Town, to impress and take up convenient Housing or Stores for the receiving, lodging and safe keeping thereof, until the same shall be sufficiently aired as aforesaid. Warrants to be made out to take up convenient Housing.

## CHAP. XI.

## An Act in further Addition to the Act Intituled *An Act for Review in Civil Causes.* 13 *W.* ca. 16.

*WHEREAS the Defendant in any Personal Action may by Force of the Act made in Addition to the Act Intituled* An Act for Review in Civil Causes, *have Execution of the Judgment of the Superiour Court of Judicature Court of Assize and General Delivery given on the Trial of the Appeal, stayed six Months in some Counties, and a Year in others, only by giving Bond with Security approved of by that Court at the Time of entring such Judgment conditioned to prosecute a Writ of Review of such Action with Effect at the next Superiour Court of Judicature Court of Assize and General Goal Delivery to be holden in and for the County where such Judgment is given, and to answer and pay the original Plaintiff double Interest for the Debt recovered, and double additional Costs in Case the Judgment be affirmed, although the Estate attach'd by Force of the original Writ is not thereby held or subjected to satisfy the Plaintiffs Demand for more than thirty Days after the Judgment given on the Appeal, and in all Cases where Bail is given to the Action the Sureties cannot be compelled either to satisfy the Judgment or deliver up the Principal.* Preamble.

*Wherefore for preventing Creditors being defrauded of their just Debts by Executions being so stayed:*

Be it enacted by the Lieutenant Governour, Council and House of Representatives, That Execution of the Judgment of the Superiour Court of Judicature Court of Assize and General Goal Delivery given on the Trial of the Appeal in any Suit, shall not be stayed, unless the original Defendant his Executors or Administrators give Bond at the Time of entring such Judgment to the Party or Parties that obtained the same, with sufficient Sureties, to be approved of by the Court, in double the Sums recovered to review the Action at the next Superiour Court of Judicature, Court of Assize and General Goal Delivery to be holden in and for that County, and to pay to the Party or Parties that obtained the Judgment upon the Trial of the Appeal the Sum so recovered with Interest therefor, after the Rate of *twelve per Cent.* per Annum, and double the Costs arising on such Review, if the Judgment be not thereon reversed, in whole or in Part, or otherwise satisfied, and if reversed in Part only then to pay him or them that obtained the Judgment on the Trial of the Appeal what remains due by Force thereof, and is not reversed by the Judgment of said Court given on such Review or otherwise satisfied, together with Interest therefor after the Rate of *six per Cent.* per Annum. Bond to be given for prosecuting Reviews where Execution is stayed in double the Sum recovered and Costs.

*Provided always*, That nothing in this Act shall extend to any Suit already commenced, wherein upon the mean Process Bail was given or Estate attached. Proviso.

ACTS

# Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Concord* in the County of *Middlesex*, upon Wednesday the twenty-seventh Day of *May*, 1752.

## CHAP. I.

## An Act in further Addition to the Act for Limitation of Actions and for avoiding Suits at Law where the Matter is of long Standing.

13 G. 2. ca. 3.

Preamble.

*WHEREAS in a late Law of this Province intituled,* "An Act "in Addition to and for Explanation of an Act, intituled, An Act for "Limitation of Actions, and avoiding Suits at Law where the Matter "is of long Standing," *made and passed in the twenty-second Year of his present Majesty's Reign, the Time limited for commencing of all Actions of Account, and upon the Case (excepting as therein is excepted) will expire in* September *next; and whereas the Difficulties arisen by the Exchange of the Medium of Trade in this Province, and the Prevalency of the* Small-Pox *in* Boston, *and sundry other Towns in this Government, render it almost impracticable to have such Accounts and Actions of the Case settled within the Time by said Act limited for that Purpose:*

Act continued till *Sept.* 1754.

Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives, That the Time for commencing of Actions of Accounts and of the Case, by said Act limited as aforesaid, be and the same is hereby extended to the first Day of *September*, which will be in the Year of our Lord One Thousand seven Hundred and fifty-four; and no Suit hereafter to be brought in such Cases shall be barred, if commenced before the Expiration of said Term.

## CHAP. II.

## An Act in Addition to an Act for the more speedy Extinguishment of Fire, and preserving Goods endangered by it.

10 *A.* ca. 2.

Preamble.

*WHEREAS in and by an Act made and passed in the eighteenth Year of his present Majesty's Reign, intituled,* "An Act for the more speedy "Extinguishment of Fire, and preserving Goods endangered by it;" *It is enacted that the several Towns within this Province may, if they see fit, at their anniversary Meeting in* March *annually, appoint a suitable Number of Persons, not exceeding ten, who shall be denominated Fire Wards; whose particular Business shall be to take Care and govern at Fires, (which from Time to Time may break out,) as in and by said Act, they are directed and impowered to do: And whereas by Experience the Fire Wards who have been annually chosen by the Town of* Boston, *have been found to be of great Use and Service to the said Town at Times of Fires; and it is apprehended, it would greatly serve the said Town if their Numbers were increased:*

Town of *Boston* impowered to chuse twelve Fire Wards.

Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives, That it shall and may be lawful for the Town of *Boston*, (who at present have ten Fire Wards) at any Town Meeting warned for that Purpose, to elect and appoint two more meet Persons as Fire Wards who shall serve in that Office, till their anniversary Meeting in *March* next; and from thenceforward (as they shall see Cause) to choose twelve Persons for that Purpose annually, who shall do the Duty and be invested with the like Powers and Priviledges as Fire Wards in and by the said Act are invested with al.

CHAP.

At the Parliament begun and holden at *Westminster*, the Tenth Day of *November*, *Anno Dom.* 1747, in the Twenty-first Year of the Reign of our Sovereign Lord *GEORGE* the Second, by the Grace of God, of *Great Britain*, *France* and *Ireland*, King, Defender of the Faith, &c.

And from thence continued by several Prorogations to the Fourteenth Day of *November*, 1751, being the Fifth Session of this present Parliament.

## CHAP. III.

An Act for avoiding and putting an End to certain Doubts and Questions, relating to the Attestation of Wills and Codicils, concerning Real Estates, in that Part of *Great Britain* called *England*, and in his Majesty's Colonies and Plantations in *America*.

Preamble reciting Clause in an Act of 29 *Car.* II.

WHEREAS by an Act made in the Twenty-ninth Year of the Reign of His late Majesty King *Charles* the Second intitled *An Act for Prevention of Frauds and Perjuries*; it is, amongst other Things enacted, That from and after the Twenty-fourth Day of *June*, in the Year of our Lord One Thousand six Hundred and seventy seven, all Devises and Bequests of any Lands or Tenements devisable, either by Force of the Statute of Wills, or by that Statute, or by Force of the Custom of *Kent*, or the Custom of any Borough, or any other particular Custom, shall be in Writing, and signed by the Party so devising the same, or by some other Person in his Presence and by his express Direction; and shall be attested and subscribed in the Presence of the said Devisor, by three or four credible Witnesses, or else they shall be utterly Void and of none Effect, which hath been found to be a wise and good Provision: But whereas Doubts have arisen who are to be deemed legal Witnesses, within the Intent of the said Act: Therefore for avoiding the same,

Devisee, &c. attesting the Devise void, but he admitted to prove Will.

**Be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,** That if any Person shall attest the Execution of any Will or Codicil, which shall be made after the Twenty fourth Day of *June*, in the Year of our Lord One Thousand seven Hundred and fifty two, to whom any beneficial Devise, Legacy, Estate Interest, Gift, or Appointment of, or affecting any Real or Personal Estate, other than and except Charges on Lands, Tenements or Hereditaments, for Payment of any Debt or Debts, shall be thereby given or made, such Devise, Legacy, Estate, Interest, Gift, or Appointment, shall, so far only as

concerns such Person attesting the Execution of such Will or Codicil, or any Person claiming under him, be utterly null and void; and such Person shall be admitted as a Witness to the Execution of such Will or Codicil, within the Intent of the said Act; notwithstanding such Devise, Legacy, Estate, Interest, Gift, or Appointment, mentioned in such Will or Codicil.

Creditor attesting, admitted a Witness to the Will.

And be it further enacted by the Authority aforesaid, That in Case, by any Will or Codicil already made, or hereafter to be made, any Lands, Tenements, or Hereditaments, are, or shall be charged with any Debt or Debts; and any Creditor whose Debt is so charged, hath attested, or shall attest the Execution of such Will or Codicil, every such Creditor, notwithstanding such Charge, shall be admitted as a Witness to the Execution of such Will or Codicil, within the Intent of the said Act.

Legatee who has been paid or shall refuse his Legacy, admitted a Witness to the Will.

And be it further enacted by the Authority aforesaid, That if any Person hath attested the Execution of any Will or Codicil already made, or shall attest the Execution of any Will or Codicil which shall be made on or before the said Twenty-fourth Day of *June*, in the Year of our Lord One Thousand seven Hundred and fifty-two, to whom any Legacy or Bequest is or shall be thereby given, whether charged upon Lands, Tenements, or Hereditaments, or not; and such Person, before he shall give his Testimony concerning the Execution of any such Will or Codicil, shall have been paid, or have accepted or released, or shall have refused to accept such Legacy or Bequest, upon Tender made thereof; such Person shall be admitted as a Witness to the Execution of such Will or Codicil, within the Intent of the said Act, notwithstanding such Legacy or Bequest.

After Tender and Refusal, he is barred from the Legacy; but after Acceptance, he may retain the same, tho' the Will be adjudged void.

Provided always, and be it further enacted, That in Case of such Tender and Refusal, as aforesaid, such Person shall in no wise be intituled to such Legacy or Bequest, but shall be for ever afterwards barred therefrom; and in Case of such Acceptance, as aforesaid, such Person shall retain to his own Use the Legacy or Bequest which shall have been so paid, satisfied, or accepted, notwithstanding such Will or Codicil shall afterwards be adjudged or determined to be void, for want of due Execution, or for any other Cause or Defect whatsoever.

Legatee attesting, and dying in the Life-time of the Testator, or before he has received or refused his Legacy, admitted a Witness to the Will.

And be it further enacted, That in Case any such Legatee, as aforesaid, who hath attested the Execution of any Will or Codicil already made, or shall attest the Execution of any Will or Codicil, which shall be made on or before the said Twenty-fourth Day of *June*, in the Year of our Lord One Thousand seven Hundred and fifty-two, shall have died in the Life-time of the Testator, or before he shall have received or released the Legacy or Bequest so given him, as aforesaid, and before he shall have refused to receive such Legacy or Bequest, on Tender made thereof, such Legatee shall be deemed a legal Witness to the Execution of such Will or Codicil, within the Intent of the said Act, notwithstanding such Legacy or Bequest.

Credit of the Witness to be consider'd and determined by the Court.

*Provided always*, That the Credit of every such Witness, so attesting the Execution of any Will or Codicil, in any of the Cases in this Act before-mentioned, and all Circumstances relating thereto, shall be subject to the Consideration and Determination of the Court, and the Jury, before whom any such Witness shall be examined, or his Testimony or Attestation made Use of; or of the Court of Equity, in which the Testimony or Attestation of any such Witness shall be made Use of; in like Manner, to all Intents and Purposes, as the Credit of Witnesses in all other Cases ought to be considered of, and determined.

No Devisee, where the Devise is made void; nor Legatee, who has refused to accept of the Legacy; being examined to the Execution of the Will, shall afterwards demand or take any Benefit, or Compensation for the same.

And be it further enacted by the Authority aforesaid, That no Person, to whom any beneficial Estate, Interest, Gift, or Appointment, shall be given or made, which is hereby enacted to be null and void, as aforesaid, or who shall have refused to receive any such Legacy or Bequest, on Tender made, as aforesaid, and who shall have been examined as a Witness concerning the Execution of such Will or Codicil, shall, after he shall have been so examined, demand or take Possession of, or receive, any Profits or Benefit of or from, any such Estate, Interest, Gift, or Appointment, so given or made to him, in or by any such Will or Codicil; or demand, receive, or except, from any Person or Persons whatsoever, any such Legacy or Bequest, or any Satisfaction or Compensation for the same, in any Manner or under any Colour of Pretence whatsoever,

Provided

Cases particularized, where the Validity of Wills & Competency of Witnesses are not affected by this Act.

Provided always, and be it enacted by the Authority aforesaid, That this Act, or any Thing herein contained, shall not extend, or be construed to extend, to the Case of any Heir at Law, or of any Devisee in a prior Will or Codicil of the same Testator, executed and attested according to the said recited Act, or any Person claiming under them respectively who has been in quiet Possession for the Space of two Years next preceeding the sixth Day of *May*, in the Year of our Lord, One Thousand seven Hundred and fifty-one, as to such Lands, Tenements, and Hereditaments, whereof he has been in quiet Possession as aforesaid; and also that this Act, or any Thing herein contained, shall not extend, or be construed to extend, to any Will or Codicil, the Validity or due Execution whereof hath been contested in any Suit in Law or Equity commenced by the Heir of such Devisor, or the Devisee in any such prior Will or Codicil, for recovering the Lands, Tenements, or Hereditaments, mentioned to be devised in any Will or Codicil so contested, or any Part thereof, or for obtaining any other Judgment or Decree relative thereto, on or before the said sixth Day of *May* in the Year of our Lord One Thousand seven Hundred and fifty-one, and which has been already determined in Favour of such Heir at Law, or Devisee in such prior Will or Codicil, or any Person claiming under them respectively, or which is still depending, and has been prosecuted with due Diligence; but the Validity of every such Will or Codicil, and the Competency of the Witnesses thereto, shall be adjudged and determined in the same Manner, to all Intents and Purposes, as if this Act had never been made; any Thing herein before contained to the contrary thereof in any wise notwithstanding

Possessions which are not comprehended within the Meaning of the preceding Clause.

Provided always nevertheless, and it is hereby declared, That no Possession of any Heir at Law, or Devisee in such prior Will or Codicil as aforesaid, or of any Person claiming under them respectively, which is consistent with, or may be warranted by or under, any Will or Codicil, attested according to the true Intent and Meaning of this Act, or where the Estate descended or might have descended, to such Heir at Law, till a future or executory Devise, by Virtue of any Will or Codicil attested according to this Act should or might take Effect, shall be deemed to be a Possession within the Intent and Meaning of the Clause herein last before contained.

*And whereas in some of the* British *Colonies or Plantations in* America, *the said Act of the twenty-ninth Year of the Reign of King* Charles *the Second, has been received for Law, or Acts of Assembly have been made, whereby the Attestation and Subscription of Witnesses to Devises of Lands, Tenements, and Hereditaments, have been required:*

Therefore, to prevent and avoid Doubts which may arise in the said Colonies or Plantations, in Relation to the Attestation of such Devises of Lands, Tenements, and Hereditaments;

This Act to extend to such of the *British* Colonies in *America*, where the Act of 29 *Car.* II. is received as a Law, &c.

Be it enacted by the Authority aforesaid, That this Act, and every Clause, Matter, and Thing therein contained, shall extend to such of the said Colonies and Plantations, where the said Act of the twenty-ninth Year of the Reign of King *Charles* the Second, is by Act of Assembly made, or by Usage received as Law, or where by Act of Assembly or Usage, the Attestation and Subscription of a Witness or Witnesses are made necessary to Devises of Lands, Tenements, or Hereditaments; and shall have the same Force and Effect in the Construction of, or for the avoiding of Doubts upon the said Acts of Assembly, and Laws of the said Colonies and Plantations, as the same ought to have in the Construction of, or for the avoiding of Doubts upon, the said Act of the twenty-ninth Year of the Reign of King *Charles* the Second in *England*.

Devises, &c. by Wills 1 *Mar.* 1753, to be only void.

*Provided always*, That as to Cases arising in any of the said Colonies or Plantations in *America*, no such Devise, Legacy, or Bequest as aforesaid, shall be made null and void, by Virtue of this Act, unless the Will or Codicil whereby such Devise, Legacy, or Bequest shall be given, shall be made after the first Day of *March*, which shall be in the Year of our Lord One Thousand seven Hundred and fifty-three.

# An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Concord* in the County of *Middlesex*, upon Wednesday the twenty-seventh Day of *May* 1752. And continued by Prorogations and Adjournment to Wednesday the twenty-eighth of *March* following, and then met at *Boston*.

## CHAP. I.

6 G. ca. 1. ## An Act in Addition to the several Acts or Laws for the suppressing of Lotteries.

Preamble. *WHEREAS divers good and wholesome Laws have been made and pass'd by this Government for suppressing of Lotteries, and thereby preventing a vain and foolish Expence, tending to the Impoverishment of unwary People; which Laws are in a great Measure rendred ineffectual by the Lotteries which are frequently set up in the Neighbouring Governments, and by the Sale of such Lottery Tickets to the Inhabitants of this Province:*

Penalty for publishing Lottery Tickets of other Governments. **Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives,** That if any Person or Persons after the tenth Day of *May* next, shall within this Province be aiding or assisting in any Lottery, by Printing, Writing, or any otherways Publishing an Account of the Sale of such Lottery Ticket or Tickets, such Person or Persons shall for such Offence forfeit a Sum not exceeding *twenty Pounds*, to be recovered by Information, Plaint, Bill or Action at Law, in any of His Majesty's Courts of Record within this Province; the one Half thereof to His Majesty to be applied towards the Support of this Government, and the other Half to him or them that shall inform and sue for the same.

Penalty for selling Lottery Tickets. **And be it further enacted,** That if any Person or Persons shall within this Province give, sell, or otherwise dispose of, or shall therein offer or expose to Sale any Ticket or Tickets in any Lottery, excepting such as shall be established by Act of Parliament, or by Act of this Government such Person or Persons so offending, shall forfeit a Sum not exceeding *forty Pounds* for each Ticket so given, sold or disposed of, or so exposed to Sale, to be recovered in Manner and for the Use aforesaid.

Penalty for buying Lottery Tickets. **And be it further enacted,** That if any Person or Persons within this Province, shall receive or purchase any such Lottery Ticket or Tickets such Person or Persons shall likewise forfeit a Sum not exceeding *forty Pounds* for each Ticket so received or purchased by him or them, to be likewise recovered and applied as in Manner aforesaid.

Person informing to be freed *Provided nevertheless,* That if such Receiver or Purchaser shall inform against or prosecute the Person or Persons who gave, sold or disposed of the same, so as that he or they shall be convicted of said Offence, such Receiver or Purchaser shall not in that Case be liable to the Penalty aforesaid, but shall be wholly freed and exempted therefrom.

AN

# An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and held at *Boston* in the County of *Suffolk*, upon Wednesday the thirtieth Day of *May*, 1753.

## CHAP. II.

## An Act in Addition to an Act Intituled *An Act directing how Meetings of Proprietors of Lands lying in common may be called.*

12 *A.* ca. 2.

*WHEREAS there are sundry Tracts of common and undivided Lands in this Province lying within no Township or Precinct, which are owned by considerable Numbers of Proprietors, and no effectual Provision has as yet been made by Law, either for calling Meetings of the Proprietors of such Lands, or for the raising and collecting Monies granted for the common Good and Service of such Proprietors; whereby the Settlement and Improvement of such Lands have been much obstructed and delayed:* Preamble.

Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives, That whensoever five, (where there are so many) or the major Part of the Owners or Proprietors of such common Lands (where the Number shall be less) shall judge it expedient to have a Meeting of the Proprietors thereof, and shall thereupon by Writing apply by Petition to any Justice of the Peace for the County wherein such their Lands as aforesaid lie, or to a Justice of the Peace thro' this Province, to call a Meeting of any such Proprietors as aforesaid, to be had at such Time and Place and on such Occasions as shall be expressed in such Petition, such Justice so applied unto, is hereby authorized and directed to grant and issue out his Warrant directed to one of the Proprietors desiring such Meeting, or to the Clerk of such Propriety (if there be one) requiring him to notify and warn the other Proprietors of such common Lands to meet and assemble together at the Time and Place appointed therefor as aforesaid; which Notice and Warning shall be given by advertising the same, with the Time Place and Occasions of Meeting, in the several *Boston* Weekly News-Papers forty Days at least before the Day appointed for such Meeting; and such Proprietors may by themselves or their lawful Attorneys at such Meeting appoint such a Method for calling their Meetings for the future as they shall judge most convenient, which shall always be under the same Regulations as all other Proprietary Meetings are, and may choose a Clerk and such other Officers as are usually chosen by other Proprieties, then and from Time to Time as their Occasions shall require, and may transact and pass upon any other Matters and Affairs for the Benefit of such Propriety, which the Proprietors of new Townships or Plantations granted by this Government are by Law enabled to do, provided such Matters be mentioned in the Notifications for such Meetings; and such Clerk being duly sworn as the Clerks of other Proprieties by Law ought to be, shall have the like Power with them.

Method of calling Proprietors Meetings.

Powers of the said Proprietors in their Meetings.

And be it further enacted, That such Proprietors at any of their Meetings pursuant to this Act, may by themselves or their lawful Attorneys, grant and order any suitable Sum or Sums of Money to be raised and levied upon their several Rights in such Lands equally and rateably according to their respective Interests and Shares therein, for bringing forward and compleating the Settlement of such common Lands, and for the Prosecution or defending any Law Suits for or against such Proprietors, and for carrying on and managing any other Affairs for the common Good of such Proprieties; and every such Proprietor as shall neglect to pay to the Collector or Treasurer or Committee of such Propriety such Sum or Sums of Money as shall from Time to Time be duly granted and voted to be raised and levied upon his Right and Share in such Lands for the

To raise Moneys for the Use of the Propriety.

Space

Space of six Months to those who live in the Province, and twelve Months to those who live out of the Province, after such Grant and his Proportion thereof shall be published in the several publick Prints as aforesaid, then the Committee of the Proprietors of such common Lands, or the major Part of such Committee may and are hereby fully impowered from Time to Time at a publick Vendue to sell and convey away so much of such delinquent Proprietors Right or Share in said common Lands, as will be sufficient to pay and satisfy his Tax or Proportion of such Grant, and all reasonable Charges attending such Sale, to any Person that will give most for the same; Notice of such Sale being given in the said Prints forty Days at least before Hand, and may accordingly execute and give a good Deed or Deeds of Conveyance of the Lands so sold, unto the Purchaser thereof, to hold in Fee Simple.

And to make Sale of the Lands of the Delinquents.

*Provided nevertheless*, That the Proprietor or Proprietors whose Right or Share in such Lands shall be so sold, shall have Liberty to redeem the same in twelve Months after said Sale, by paying the Sum the Land sold for and Charges, together with the further Sum of *twelve Pounds* for each Hundred Pounds produced by such Sale; and so *pro ratâ* for any less or greater Sum.

Proviso.

# Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston*, in the County of *Suffolk*, upon the thirtieth of *May*, 1753. And from thence continued by Prorogations to Tuesday the fourth Day of *December*, 1753.

## CHAP. I.

## An Act in Addition to an Act Intituled *An Act impowering Justices of the Peace to decide Differences not exceeding* Forty Shillings.

9 *W.* ca. 2.

Preamble.

*WHEREAS in and by an Act made and passed in the ninth Year of his late Majesty King* William *the Third, impowering Justices of the Peace to decide Differences not exceeding* Forty Shillings; *it is among other Things provided, That all Justices shall keep fair Records of all their Proceedings from Time to Time; but no Provision is therein made in Case of a Justice's Death for executing a Judgment given and recorded by him, which remains unsatisfied at the Time of his Decease:*

Writ of *Scire Facies* to be issued on the Judgment of a deceased Justice.

**Be it therefore enacted by the Governour, Council and House of Representatives**, That where Judgment is or shall be given by a Justice of the Peace in any Civil Action of which by Law he had Cognizance, and a fair Record thereof made by him; if the same remains unsatisfied at the Time of his Decease, it shall and may be lawful for any Justice of the Peace of the same County (upon Application made to him by the Party who recovered the Judgment) to issue out a Writ of *Scire Facias* thereon, returnable to himself in seven Days; and upon the Debtor's Default of Appearance, or not shewing just Cause to the contrary, the same Justice may award Execution of such Judgment, returnable to himself in thirty Days, and likewise award reasonable Costs on the *Scire Facias*; provided that no Writ of *Scire Facias* shall be granted as aforesaid, unless Application be made therefor within twelve Months after the Decease of the Justice before whom the Judgment was recovered.

Persons having such Judgments in Keeping to deliver an attested Copy.

**And be it further enacted**, That any Person who hath in his or her keeping the Records of a deceased Justice (being requested by the Party who hath a Judgment there entered as aforesaid, and being tendered a reasonable Sum for his or her Time and Trouble) shall without Delay deliver an attested Copy of such

such Records to the Person requesting the same, which Copy certified on Oath, shall be received and accounted as sufficient Evidence, as if the Justice was then living; And if he or she shall neglect it by the Space of three Days, he or she shall for his or her Neglect, forfeit the Sum of *Three Pounds*, to the Use of the Party aggrieved to be by him recovered in an Action of Debt in any of his Majesty's Courts of Record. Penalty for Neglect or refusal.

*And whereas in and by an Act made in the second Year of the Reign of her late Majesty Queen* Anne, *Intituled* An Act relating to Executors and Administrators, *Provision is made in Case of Waste for awarding Execution against an Executor or Administrator of his own proper Goods or Estate on a* Scire Facias *to be issued out of the Clerk's Office of the same Court, where Judgment has been recovered against the Estate of a Testator or Intestate but no Provision hath been made in like Cases cognizable before a Justice of the Peace:*

Be it therefore further enacted, That in all such Cases, it shall and may be lawful for a Justice of the Peace to issue out a Writ of *Scire Facias*, and award Execution thereupon in like Manner as may be done in any Court of Record, by Virtue of the Provision in this Act last mentioned. Justices of Peace impowred to issue such Writs of *Scire Facias*.

## CHAP. II.

## An Act for the more easy recovering the Charges that attend the Partition and Settlement of Real Estates, and to cause the Persons interested in such Estates to be duly notified before Partition be ordered.

WHEREAS *it sometimes happens that some of the Persons interested in Real Estates refuse to pay their rateable Proportion of the necessary Charge which attends the dividing or settling the same:*

Be it therefore enacted by the Governour, Council and House of Representatives, That when and so often as Partition shall be made of any Real Estate by the Rules of the Common Law, and when and so often as any Real Estate shall be settled or divided, agreable to the special Provision made by the Laws of this Province, in any and every such Case when any one or more of the Parties interested shall neglect or refuse to pay their just Proportion of the Charge which may attend such Division or Settlement, it shall and may be lawful for the Court by which such Division or Settlement shall be made, to issue forth a Warrant of Distress against any Delinquent or Delinquents interested as aforesaid. Warrant of Distress to be issued on Persons refusing to pay Charges on the Division of Estates.

*Provided*, an Account of such Charge be first laid before the said Court, and the just Proportion of the Persons interested settled and allowed, they having been duly notified to be present at such Settlement or Allowance, if they see Cause. Proviso.

And be it further enacted, That when and so often as any Petition shall be prefer'd to the Justices of the Superiour Court to order Partition of any Real Estate held in common and undivided, the said Justices shall not proceed to order such Partition until it shall be made appear to them that the several Persons interested in such Estate, and living within this Province, or the Attorneys of such as are absent and have Attorneys residing within this Province, have been duly notified of such Petition, and have had Opportunity to make their Exception to the granting the same. Superiour Court to notify Persons concerned before Estates be divided. 4 *W. & M.* ca. 2.

## CHAP. III.

## An Act in Addition to an Act made in the fifth Year of her late Majesty Queen *Anne*, Intituled *An Act for a new Choice of Town Officers on special Occasions.* 4 *W. & M.* ca. 13.

WHEREAS *in and by said Act it is provided, That in Case of the Non-acceptance, Death or Removal of any Person chosen to Office in any of the Towns in this Province, at their annual Meeting in* March, *the said* Preamble:

*said Towns may upon due Warning given and Notice of the Occasion, chuse any Officer or Officers to fill up such Vacancy, but by said Act no Provision is made respecting Precincts, from which Inconveniencies have often happened:*

Precincts to have the same Power in chusing Officers Towns have.

Be it therefore enacted by the Governour, Council and House of Representatives, That from and after the tenth Day of *January* next, the several Precincts within this Province shall have and enjoy the same Power and Privileges in the choosing any Officer or Officers where such Vacancy happens in them, as Towns by Law are invested with.

## CHAP. IV.

### An Act in Addition to an Act Intituled *An Act against diminishing or counterfeiting Money.*

2 *A.* ca. 1.

Preamble.

WHEREAS *in and by an Act made and passed in the twenty third Year of his present Majesty's Reign Intituled,* An Act against diminishing or counterfeiting Money," *it is among other Things provided, that when any Person shall be convicted of any of the Offences therein mentioned at the Superiour Court of Judicature, Court of Assize and General Goal Delivery; every such Person shall be fined at the Discretion of the said Court: And whereas it sometimes happens that such Offender is not able to pay the adjudged Fine, or so much as the Costs of Prosecution:*

Persons convicted for counterfeiting or diminishing Money to be sold in Case.

Be it enacted by the Governour, Council and House of Representatives, That when any Person shall be convicted as aforesaid, and thereupon sentenced by the said Court to pay a Fine, if such Offender shall be unable, or shall refuse to pay the same, together with the Costs of Prosecution, the Sheriff of the County where such Offender shall have been so convicted, shall be and hereby is impowered to dispose of said Offender in Service to any of his Majesty's Subjects for such Term as shall be assigned by the Court aforesaid, not exceeding the Space of ten Years; And the Sheriff shall pay the Money thereby raised into the publick Treasury, having first deducted so much as shall be necessary to pay the Cost of Prosecution.

# Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, in the County of *Suffolk*, upon Wednesday the thirtieth Day of *May* 1753, And continued by Prorogations to Wednesday the twenty-seventh Day of *March* following, and then met.

## CHAP. V.

### An Act for altering the Times appointed for holding the Superiour Court of Judicature Court of Assize and General Goal Delivery within and for the Counties of *Essex* and *York*, and also for altering some of the Courts of General Sessions of the Peace and Inferiour Courts of Common Pleas within and for the Counties of *Plymouth*, *Barnstable* and *York*.

Preamble.

WHEREAS *the Times by Law appointed for holding the Superiour Court of Judicature Court of Assize and General Goal Delivery at* Ipswich *within and for the County of* Essex, *and at* York *within and for the County of* York, *and the holding the Courts of General Sessions of the*

*the Peace, and the Inferiour Court of Common Pleas the third Tuesday of* September, *within and for the County of* Plimouth; *and the holding the Courts of General Sessions of the Peace and the Inferiour Courts of Common Pleas on the last Tuesday of* June, *the third Tuesday of* October, *and the third Tuesday of* January, *within and for the County of* Barnstable; *and the holding the Court of General Sessions of the Peace and the Inferiour Court of Common Pleas within and for the County of* York *on the first Tuesday of* July, *are found inconvenient:*

Superiour Court in *Essex* and *York* Counties alter'd.

Be it therefore enacted by the Governour, Council and House of Representatives, That the Time for holding the Superiour Court of Judicature Court of Assize and General Goal Delivery at *Ipswich* for the County of *Essex*, shall henceforth be the second Tuesday of *June* annually; and the Time for holding the said Court at *York* for the County of *York* shall henceforth be the third Tuesday of *June* annually; And the Time for holding the Court of General Sessions of the Peace and the Inferiour Court of Common Pleas within and for the County of *Plymouth*, shall henceforth be the last Tuesday of *September* annually; and the Times for holding the said Courts of General Sessions of the Peace and the Inferiour Courts of Common Pleas within and for the said County of *Barnstable*, shall henceforth be the second Tuesday in *May*, the third Tuesday in *September*, and the first Tuesday in *December* annually; And the Time for holding the Court of General Sessions of the Peace and the Inferiour Court of Common Pleas within and for the County of *York*, shall henceforth be the second Tuesday of *July* annually; And all Officers and other Persons concerned are required to conform themselves accordingly.

Appeals &c. to the Superiour Court already taken out for *Essex* and *York* to be returned at the alter'd Time

And be it further enacted, That all Appeals, Writs of Review, Recognizances, Warrants and other Processes already issued, taken or depending in the said Counties of *Essex* or *York*, which were to have been returned or proceeded on at the Times heretofore appointed by Law for holding the said Superiour Courts at *Ipswich* or *York*, shall be valid and stand good to all Intents and Purposes in the Law, and shall be returned and proceeded on at the Times appointed by this Act for holding the said Superiour Courts respectively.

Writs Appeals &c. already issued for the inferiour Court for *Barnstable* to be proceeded on in the next Term.

And be it further enacted, That all Appeals, Writs, Recognizances, Warrants, and other Processes already issued taken or depending in the said County of *Barnstable*, which were to have been returned or proceeded upon at the Time heretofore appointed by Law for holding the said Court of General Sessions of the Peace and Inferiour Court of Common Pleas at *Barnstable* on the last Tuesday of *June*, shall be valid and stand good to all Intents and Purposes in the Law, and shall be returned and proceeded on at the Time appointed by this Act for holding said Court of General Sessions of the Peace and Inferiour Court of Common Pleas on the third Tuesday of *September* next.

The like for the Inferior Court in *York*.

And be it further enacted, That all Appeals, Writs, Recognizances, Warrants and other Processes already issued, taken or depending in the said County of *York*, which were to have been returned or proceeded on at the Time heretofore appointed by Law for holding the said Court of General Sessions of the Peace and Inferiour Court of Common Pleas at *York* on the first Tuesday of *July*, shall be valid and stand good to all Intents and Purposes in the Law, and shall be returned and proceeded on at the Time appointed by this Act for holding said Court of General Sessions of the Peace and Inferiour Court of Common Pleas on the second Tuesday of *July* next.

## CHAP. VI.

## An Act in further Addition to the Act for Limitation of Actions, and for avoiding Suits in Law, where the Matter is of long Standing. 13 G. 2. ca 3.

Preamble.

WHEREAS *by a Law of this Province, Intitled* An Act in further Addition to the Act for the Limitation of Actions and for avoiding Suits at Law where the Matter is of long Standing, *made and passed in the twenty-fifth Year of his present Majesty's Reign, the Time*

*limitted for commencing all Actions of Account and upon the Case, excepting such as are excepted in another Act Intituled* An Act in Addition to and for the Explanation of an Act Intituled An Act for the Limitation of Actions and avoiding Suits at Law where the Matter is of long Standing, *made and passed in the twenty-second Year of his present Majesty's Reign, will expire in* September *next: And whereas it is almost impracticable to have such Accounts and Actions settled within the Time now limitted by Law for that Purpose:*

Time continued for commencing Actions upon the Case Notes of Hand and Book Accounts.

Be it therefore enacted by the Governour, Council and House of Representatives, That the Time for commencing of Actions of the Case, upon Notes of Hand, or upon Book Accounts, limitted by the said Act of the twenty-second, or by said Act made in the twenty fifth Year of his present Majesty's Reign, shall be and is hereby extended to the last Day of *March*, which will be in the Year of our Lord One Thousand seven Hundred and fifty-six; and no Suit hereafter to be brought in such Cases shall be barred, if commenced before the Expiration of said Term.

*And that this Law may be more generally known:*

This Act to be read in Town Meeting.

Be it further enacted, That the Clerk of every Town and District within this Province shall read or cause the same to be read in their respective Towns and Districts, at their Anniversary Meetings in *March* and *May* annually;

And

At the Sessions of the Peace.

And the Justices of the several Courts of Common Pleas within the respective Counties, shall cause the same to be publickly read at the opening of their Courts from Time to Time after the Publication of this Act, and until the last Day of *March* One Thousand seven Hundred and fifty six.

## CHAP. VII.

## An Act to enable the Justices of the Court of General Sessions of the Peace at their several Sessions in the County of *Dukes-County*, more effectually to regulate and keep up a constant Ferry from *Dukes-County* to *Falmouth* in the County of *Barnstable*.

Preamble.

*WHEREAS there is Provision already made by Law for the Justices in their Quarter Sessions throughout this Province to Licence Persons to keep Ferries, and state the Fairs or Prices of each Ferry both for Man and Beast, and to take Bond of each Ferry-man &c. but no Provision is made by Law to enable the Justices in their Sessions to lay a Tax on any County for the upholding and maintaining of Ferries, either by building Boats, Wharves, Ways &c. where no particular Person or Persons will be at the Cost thereof; By Means whereof the said County of* Dukes-County *is wholly destitute of a Ferry from said County (which is an Island) to the Main Land, whereby many Inconveniencies daily happen to those that have Occasion to go to and from said County:*

Quarter Sessions in *Dukes-County*, to assess the Inhabitants for keeping a Ferry.

Be it therefore enacted by the Governour, Council and House of Representatives, That the Justices of the Court of General Sessions of the Peace at any of their Sessions hereafter to be held in and for said County of *Dukes-County*, are hereby enabled and directed to raise Monies and to assess the Inhabitants of said County of *Dukes-County* and their Estates, as well for the building of Ferry-Boats, making and maintaining suitable Wharves and Ways for Ferry-Ways for the Conveniency of keeping a Ferry in said County, in as full and ample a Manner as the Justices in said Quarter Sessions are by Law already enabled to do for defreying the necessary Repairs of Bridges, Prisons, the Maintenance of poor Prisoners, and all other proper County Charges, and under the same Regulations and Restrictions.

# An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and held at *Boston* in the County of *Suffolk*, upon Wednesday the twenty-ninth Day of *May*, 1754.

## CHAP. VIII.

## An Act for impowering the Corporation of *Harvard College* in certain Cases to alienate Lands or other Real Estate, and to make Sale of a Farm in *Billerica*.

Preamble.

*WHEREAS the President and Fellows of* Harvard-College, *by Virtue of the Charter of Incorporation granted them by the General Court of the late Colony of the* Massachusetts, *in the Year* 1650, *are impowered to purchase and acquire to themselves, or take and receive upon free Gift or Donation any Lands, Tenements or Hereditaments, not exceeding the Value of* Five Hundred Pounds *per Annum*; *but no Power is given them by the said Charter to alienate any Lands or other Real Estate whatsoever; which in some Cases may be necessary for promoting the good Ends designed in their Incorporation:*

President and Fellows of *Harvard College* impowred to make Sale of Lands.

**Be it therefore enacted by the Governour, Council and House of Representatives,** That where the President and Fellows of *Harvard-College* are or shall become seized of any Lands, Tenements or Hereditaments by Virtue of a Judgment recovered on any Mortgage, or by Virtue of an Execution for the Satisfaction of a Judgment in any Personal Action (the Time allowed by Law for Redemption being expired) it may and shall be lawful for the said President and Fellows, and they are hereby authorized and impowered, with the Advice and Consent of the Overseers of said College, to make Sale of such Lands, Tenements and Hereditaments, or any Part thereof, and to execute Deeds effectual in Law for conveying the same, the Monies arising by such Sales to be applied to the Uses in the said Charter mentioned, and to no other Use or Purpose whatsoever.

*And whereas it hath been represented to this Court, that it would be for the Interest of the said College, if Sale were made of a certain Farm or Tract of Land belonging thereto, which is situated in that Part of the Town of* Bellerica *called* Shawshin:

President &c. to make Sale of a Farm in *Billerica*.

**Be it therefore enacted,** That it shall be lawful for the President and Fellows of said College to make Sale of the said Farm or Tract of Land, and they are hereby authorized to give and execute a good and sufficient Deed or Deeds of Conveyance of the same; the Proceeds of such Sale to be vested in other Real Estate, which they may judge will be of greater Advantage to that Society.

# Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the twenty-ninth Day of *May* 1754, And continued by Adjournment unto Thursday the seventeenth Day of *October* following.

## CHAP. IX.

## An Act for the better securing and rendering more effectual Grants and Donations to pious and charitable Uses, and for the better Support and Maintenance of Ministers of the Gospel, and defreying other Charges relating to the publick Worship.

Preamble.

*WHEREAS many Grants and Donations have heretofore been made by sundry well-disposed Persons, in and by such Expressions and Terms as plainly show it was the Intent and Expectation of such Grantors and Donors, that their several Grants and Donations should take Effect so as that the Estates granted should go in Succession: But Doubts have arisen in what Cases such Donations and Grants may operate, so as to go in Succession:*

For ascertaining whereof:

Deacons and Church Wardens of Protestant Churches to take in Succession Grants and Donations &c.

**Be it enacted by the Governour, Council and House of Representatives**, That the Deacons of all the several Protestant Churches, not being Episcopal Churches, and the Church Wardens of the several Episcopal Churches, are and shall be deemed so far Bodies Corporate, as to take in Succession all Grants and Donations whether Real or Personal, made either to their several Churches, the Poor of their Churches, or to them and their Successors, and to sue and defend in all Actions touching the same; and wherever the Ministers, Elders or Vestry shall in such Original Grants or Donations have been joined with such Deacons or Church Wardens as Donees or Grantees in Succession, in such Cases such Officers and their Successors, together with the Deacons or Church Wardens, shall be deemed the Corporation for such Purposes as aforesaid. And the Minister or Ministers of the several Protestant Churches of whatever Denomination, are and shall be deemed capable of taking in Succession any Parsonage Land, or Lands granted to the Minister and his Successors, or to the Use of the Ministers and of suing and defending all Actions touching the same; Saving that nothing in this Act shall be construed to make void any final Judgment of any Court of Common Law or Judge of Probate; saving also, that no Alienation of any Lands belonging to Churches hereafter made by the Deacons without the Consent of the Church or a Committee of the Church for that Purpose appointed, or by Church Wardens without the Consent of the Vestry, shall be sufficient to pass the same. And that no Alienation hereafter made by Ministers of Lands by them held in Succession shall be valid any longer than during such Alienors continuing Ministers, unless such Ministers be Ministers of particular Towns, Districts, or Precincts, and make such Alienation with the Consent of such Towns, Districts or Precincts, or unless such Ministers so aliening be Ministers of Episcopal Churches, and the same be done with the Consent of the Vestry. And the several Churches in this Province not being Episcopal Churches, are hereby impowered to choose a Committee, to call the Deacons or other Church Officers to an Account, and if need be, commence and prosecute any Suits touching the same, and also to advise and assist such Deacons in the Administration of the Affairs aforesaid.

Ministers to take in Succession Parsonage Lands &c.

No Alienation to be made without Consent of the Church.

Limitation of the Income of Church Grants.

**And be it further enacted**, That the Income of the Grants made or to be made to any one such Body Politick for pious and charitable Uses, shall not exceed the Sum of *Three Hundred Pounds* per Annum; and also that all such

Donations

Donations hereafter made by Deed, which shall not be recorded in the Register's Office in the County where the Lands lie three Calendary Months before the Death of the Donor; and all such Bequests or Devises which shall not be made before the last Sickness of the Person making the same, or at least three Months before the Death of the Testator, shall be utterly void and of no Effect: any Thing in this Act contained to the contrary notwithstanding.

*And whereas the several Congregations in the Town of* Boston *and some others under the like Circumstances, are not by Law enabled by Vote to raise Money for the Support of the Ministry and publick Worship among them:*

Be it further enacted, That in every such Case where Moneys cannot be raised as aforesaid for the Support of the Ministry and defreying the other Charges necessary for the upholding and maintaining of publick Worship, and Repairs of the House in which the same is performed, by Virtue of any Provision in the Laws already made for that Purpose; the Proprietors of the Pews or Persons to whom they are allotted in the several Houses for publick Worship, may, if they think fit, at a publick Meeting to be called for that Purpose by the Proprietors Clerk, Deacons or Church Wardens, and Notice thereof immediately after divine Service given ten Days at least before said Meeting, cause the several Pews in such Houses to be valued according to the Convenience and Situation thereof, and a new Estimate to be put upon said Pews from Time to Time, as shall be found necessary, and a Tax to be laid upon each Pew according to the Convenience and Situation thereof as aforesaid; provided the said Tax shall not exceed *two Shillings* per Week on any one Pew: the Money so raised to be applied towards the Support of the Ministry and other Charges necessary for maintaining publick Worship or Repairs of the House; and that the said Proprietors may at a Meeting to be called as aforesaid, choose a Clerk and Treasurer, and likewise appoint some suitable Persons to demand and receive the several Sums so assessed of the Owners of such Pews: And in Case of Denial on such Demand or Neglect of Payment three Months after such Demand, to sell the same, and after deducting such Taxes and Costs to return the Surplus to the Owners

Pews may be taxed for the Charge of the public Worship, &c.

Proviso, the Tax exceed not 2 *s.* per Week.

Proprietors to chose a Clerk, Treasurer, &c.

*Provided nevertheless*, That when the Owner of any Pew shall make a Tender of the same to the Proprietors or to their Committee at the Valuation which shall have been last put thereon, and they shall refuse or neglect to accept the same, no Sum shall be deducted out of the Sale of said Pew, but such only as shall have become due before the making of such Tender.

Proviso.

## CHAP. X.

## An Act declaring in what Manner the Decrees and Orders of the Governour and Council in Controversies concerning Marriage and Divorce shall be carried into Execution.

Preamble.

*WHEREAS in and by an Act of this Province made and pass'd in the fourth Year of the Reign of King* William *and Queen* Mary, *it is among other Things Enacted and Declared, That all Controversies concerning Marriage and Divorce, shall be heard and determined by the Governour and Council, but no express Provision has been made by the Laws of this Province for carrying the Decrees and Orders of the Governour and Conucil in such Cases into Execution:*

Be it therefore enacted by the Governour, Council and House of Representatives, That if any Person shall refuse or neglect to observe and conform to any legal Degree or Order, whether interlocutory or final, made, or that shall hereafter be made by the Governour and Council in any Controversy concerning Marriage and Divorce, every such Person shall be and is hereby declared liable to suffer the Pains of Imprisonment, and it shall and may be lawful for the Secretary of the Province to issue a Warrant under his Hand and Seal by

Persons refusing to conform to any legal Decree of Governor and Council liable to be imprisoned.

by Order of the Governour and Council, directed to any Sheriff or his Deputy, requiring him forthwith to arrest the Body of such Person so refusing or neglecting, and him to commit unto his Majesty's Goal, there to remain without Bail or Mainprize, until he shall comply with such Decree or Order made as aforesaid.

# An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston* upon Wednesday the twenty-ninth Day of *May* 1754. And continued by sundry Prorogations unto Tuesday the twenty-fifth Day of *March* following.

## CHAP. I.

## An Act in further Addition to the several Laws already in Being for the more speedy finishing the *Land Bank* or *Manufactory Scheme*.

17 G. 2. ca. 3.

Preamble.

*WHEREAS the* Land Bank *or* Manufactory Scheme *cannot be equitably finished, unless further Provision be made by Law for the Sale of such Real Estates of Delinquents, as are or may be taken by Execution or Warrants of Distress:*

Sheriffs impowered to make Sale of forfeited Estates in the Land Bank, in Case.

Be it therefore enacted by the Governour, Council and House of Representatives, That every Sheriff, Under-Sheriff or Deputy-Sheriff, who (upon the Receipt of any Execution or Warrant of Distress issued or to be issued by the Commissioners by Law appointed to finish the said Scheme, against the Estates of any of the late Directors or Partners therein, for any Sum or Sums of Money assessed or that may be assessed on them, or either of them, or which their Estates are by Law made liable to the Payment of) hath or shall have levied such Sum or Sums on the whole or any Part of the Real Estate of any such Director or Partner, and shall have obtained from the Register of Deeds in the County where such Lands lie, a Certificate that upon a careful Search made in the Registry of Deeds there, it doth not appear that any Conveyance or Alienation of such Estate hath been made by such Director or Partner, and entred or lodged in such Registry at any Time before the Month of *October* Anno Domini One Thousand seven Hundred and forty three (at which Time those Estates were by Law subjected to the Payment of what should appear to be due therefrom to the Company of Partners) such Sheriff or Under-Sheriff or Deputy shall be and hereby is authorized and impowered (after the Time allowed by Law for the Redemption of such Estates shall be expired) to make Sale thereof, and to make, sign and execute (in due Form of Law) a Deed or Deeds of Conveyance thereof with Warrantee; which Instrument or Instruments of Conveyance shall make a good Title to the Purchaser, his Heirs and Assigns for ever.

Proviso in Cases where the Estate is in other Hands besides the Directors and Partners.

*Provided always*, and be it further enacted, That any Person or Persons (other than the Director or Partner whose Estate shall be taken and sold as aforesaid, or his Heirs, Assigns or Devisees claiming any Right in or to such Estate) may (any Thing in this Act before-mentioned notwithstanding) bring his or their Action for the Recovery thereof, provided the same be commenced and pursued within one Year from the Time of making such Conveyance; and every Action of Trespass, Ejectment or other Action against the Sheriff or other Officer for his Doings therein, or that shall be brought to Evict or in any wise to molest the Purchaser his Heirs or Assigns, in the peaceable Possession of the Estate (sold him as aforesaid) at any Time after the Expiration of said Term, shall be utterly barr'd; saving such Action or Actions as may be brought by any Person

or

or Persons who at the Time of such Conveyance shall be and shall continue out of this Province 'till after the Expiration of said Term, or that shall be brought by any Person who during that Time shall be under some legal Incapacity of bringing his Action; in either of which Cases such Action may be brought within one Year from and after the Removal of such Impediment, and not afterwards.

The Estates of surviving and deceased Directors and Partners made liable to answer Charges.

And be it further enacted, That the several surviving Directors and Partners in said Scheme and their Estates, and the Estates of such of them as are deceased, shall be and they are hereby subjected and made liable to answer and refund all Cost and Charges that may arise in Consequence of any such Conveyance; such Charges to be assessed on them by the said Commissioners, and to be raised and collected in Manner and Proportion as set forth in the Act made in the twenty fourth Year of his present Majesty's Reign Intituled *An Act in Addition to the several Laws already in Being for the more speedy finishing the* Land Bank *or* Manufactory Scheme.

Preamble.

*And whereas divers of the Mortgages given by the Partners (at their first Entrance on said Scheme) to secure the Payment of their Dues to the Company of Partners are not as yet discharged by the Commissioners, nor such Dues to the Company paid: And whereas the original Mortgages (lodged in the Court-House in* Boston) *were consumed by Fire:*

Attested Copy of the Mortgages to be valid as the Original.

Be it therefore further enacted, That upon Suit brought, or that may be commenced upon any such Mortgage remaining not discharged, an attested Copy of the Record thereof in the Registry of Deeds in the County where the Estate so Mortgaged lies, shall be deemed good and sufficient to all Intents and Purposes as if the original Mortgage was produced in Court on the Trial.

Proviso that the Commissioners Power be not invalidated.

*Provided*, that nothing in this or any former Act shall be construed or understood to abridge the said Commissioners of the Power formerly given them by the Laws of this Province, by due Course of Law, in such Cases as they shall judge may require it, to recover of any Director or Partner what became due from him to the Company of Partners by Force of any former Assessment or otherwise, or of making and executing Deeds of Conveyance of such Estates as have been or may be taken by Execution in Satisfaction of such Dues.

# An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston*, upon Wednesday the twenty-eighth Day of *May*, 1755. And continued by Prorogations to Wednesday the twenty-fourth Day of *September* following, and then met.

## CHAP. I.

## An Act for confirming the Proceedings of the General Assembly convened on the fifth of *September*, Anno Domini 1755.

Preamble.

*WHEREAS upon Advices of great Importance received from the Troops gone upon an Expedition against* Crown-Point, *His Honour the Lieutenant Governour and Commander in Chief, and His Majesty's Council, judged it absolutely necessary that the General Assembly which stood Prorogued to the twenty-fourth Day of* September *Instant, should be sooner convened, and the same was accordingly convened (by his Honour's Proclamation) and held on the fifth of the same Month, and from Day to Day continued until the ninth Instant, during which Time divers Matters of publick Importance were transacted; and whereas some Doubt may possibly arise touching the Legality of the Proceedings of that Assembly, held before the Time to which the same stood Prorogued:*

THEREFORE

THEREFORE *for the Preventing or Removing all Doubts and Disputes touching the same:*

All Proceedings of the late Convention of the General Court confirmed.

**Be it enacted by the Lieutenant Governour, Council and House of Representatives,** That all Votes, Orders, Laws and other Matters, made, passed or transacted by the General Assembly convened and held on the fifth of this Instant *September*, and which was held until the ninth Day of the same, be and they are hereby established and confirmed, and shall to all Intents and Purposes be deemed valid and effectual in the Law, as if the Great and General Court or Assembly had stood Prorogued to the said fifth Day of *September*, and had been then held; and the same Votes, Orders, Laws and other Matters had been pass'd or transacted by the said Great and General Court during such their Session.

## An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston* upon Wednesday the twenty-eighth Day of *May*, 1755. And continued by sundry Prorogations and Adjournment to Wednesday the fourteenth Day of *January* following, and then met.

### CHAP. II.

## An Act to prevent Farmers and Collectors of the Duties of Excise, being Members of the General Court or Assembly of this Province.

Preamble.

WHEREAS *many Inconveniencies may arise to this Government by Persons concerned in farming or collecting the Duties of Excise, being Members of the General Court or Assembly:*

Purchasers or Collectors of Excise not to be Members of the Court.

**Be it enacted by the Governour, Council and House of Representatives,** That no Person who shall either directly or indirectly be a Purchaser or Collector of the Duties of Excise laid by the Act passed this present Session of the General Court, or which shall be laid by any future Act, or who shall directly or indirectly be a Sharer with any such Purchaser or Collector in such Duties, shall be allowed to be a Member of the Council or House of Representatives of this Province during the Term of his being so concerned.

## An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston*, upon Wednesday the twenty-sixth Day of *May*, 1756. And continued by Prorogations and Adjournment to the fifth Day of *October* following, and then met.

### CHAP. I.

## An Act in Addition to and for Explanation of an Act made in the fourth Year of his Majesty's Reign, Intituled *An Act directing how Rates and Taxes to be granted by the General Assembly, as also County Town and Precinct Rates shall be assessed and collected.*

4 G. 2. ca. 1.

Preamble.

WHEREAS *in and by an Act made in the fourth Year of his present Majesty's Reign, Intituled* An Act directing how Rates and Taxes to be granted by the General Assembly, as also County, Town and Precinct Rates shall be assessed and collected, *It is among other Things provided,*

*provided,* "*That two or more Assessors shall have Power by Warrant under their Hands and Seals, to commit to the common Goal, such Persons as being duly assessed shall refuse or neglect to pay the Sums so assessed by the Space of twelve Days after Demand thereof, where no sufficient Distress can or may be found, whereby the same may be levied :*" *And whereas a Doubt hath arisen, Whether by the Assessors so impowered be meant and intended the Assessors for the Time being, or the Assessors by whom the Persons to be committed were assessed :*

Assessors for the Time being intended.

**Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives,** That by the Assessors so impowered in and by the Act aforesaid, the Assessors for the Time being, and they only, are meant and intended ; and that the said Act shall be and always ought to have been so understood.

Persons over rated unless relieved by the Assessors, may apply to the General Sessions of the Peace.

**And be it further enacted,** That any Person apprehending himself overrated, and applying to the Assessors for the Time being for Relief, shall upon their Refusal to ease him, have Liberty to make Application to the Court of General Sessions of the Peace to be held within and for the same County within which the Assessment was made, next after such Refusal, the Justices of which Court are hereby authorized to grant him Relief in such Manner as is directed in and by the Act aforesaid.

**And be it further enacted,** That the Warrant for Commitment to be granted by the Assessors as aforesaid, shall be in the Form following :

Form of the Warrant of Commitment to be granted by Assessors.

SS. To *A. B.* one of the Constables (Collectors) of the Town of *C.* in the County of *S.* Greeting.

*WHereas Application has been made to us the Subscribers, Assessors for the said Town of* C. *by the said* A. B. *one of the Constables (or Collectors) of said Town of* C. *in said County, that* H. I. *of said Town of* C. *is assessed to the Province Tax in the Rate-Bill committed to him the said* A. B. *to collect as Constable (Collector) for the Year the Sum of And altho' the said Tax has been demanded of the said* H. I. *yet he neglects and refuses to pay and satisfy the same, and there being no Estate of the said* H. I. *to be found whereon to levy the same : These are therefore in his Majesty's Name to require you the said* A. B *to take into safe Custody the Body of the said* H. I. *and him commit to the common Goal of the said County of* S. *there to remain until he the said* H. I. *shall pay and satisfy the above Sums with all necessary Charges, or be discharged by due Course of Law.*

Given under our Hands and Seals at *C.* this Day of in the Year of his Majesty's Reign, *Annoque Domini,*

} Assessors of the } Town of *C.*

# An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the twenty-sixth Day of *May* 1756, And continued by sundry Prorogations and Adjournment to the thirtieth Day of *March* following, and then met.

## CHAP. II.

## An Act for Regulating the Hospital on *Rainsford's-Island*, and further providing in Case of Sickness.

31 G. 2. ca. 3.

*WHEREAS a good and convenient House hath been provided at the Charge of the Province on the Island called* Rainsford's-Island, *for the Reception of such Persons as shall be visited with any contagious Sickness :*

Preamble.

**Be it therefore enacted by the Council and House of Representatives,** That Enquiry shall be made by the Officer or other Person on Duty

Inquiry to be made at the Castle respecting infectious Vessels.

at *Castle-William*, of every Vessel coming from Sea, and passing by said Castle, whether they are all well on board, and also whether any infectious Sickness has been on board, since they left the Port from whence they last came; and if any Vessel inquired of as aforesaid shall have any Sickness on board, and upon further Inquiry the same shall appear to be the Plague, Small-Pox, or any other malignant infectious Distemper, in such Case Order shall be given to the Master or Commander of such Vessel, forthwith to go down with his Vessel, and Anchor as near the Hospital at *Rainsford's-Island* as conveniently may be, or if any Vessel enquired of as aforesaid, shall have had any infectious Sickness on board since they left the Port from whence they last came, in such Case Orders shall be given to the Master or Commander of such Vessel immediately to Anchor, and to remain at Anchor until a Certificate shall be obtained from the major Part of the Select-Men of the Town of *Boston*, that they are of Opinion such Vessel may come up to Town, without Danger to the Inhabitants, or until the said Master shall receive Orders from the said Select-Men to go with his Vessel and Anchor near the Hospital aforesaid; and in Case any Master or Commander shall by himself or People on Board, make false Answer when hail'd by the Castle, or (after Orders given as aforesaid) shall neglect or refuse to Anchor near the Castle as aforesaid or come on Shoar, or suffer any Passengers or Persons belonging to the Vessel to come on Shoar, or any Goods to be taken out before the Vessel shall have Anchor'd, or without Liberty from the Select-Men as aforesaid; or in Case any Master or Commander order'd to Anchor near the Hospital aforesaid, shall neglect or refuse so to do; in every such Case, every Master or Commander so offending, shall forfeit and pay the Sum of *One Hundred Pounds*, or suffer six Months Imprisonment.

Select-Men to certify the Safety of Vessels coming into the Harbour,

Penalty for Master's Offence

And be it further enacted, That upon Application made to the Select-Men of the Town of *Boston* by any Master or Commander of any Vessel at Anchor near the Hospital as aforesaid, the said Select Men are hereby impowered to permit such Passengers, Goods or Lading as they shall judge free from Infection to come on Shore, or to be taken out and disposed of as the Owners shall see meet: And such Passengers and Goods as shall not be permitted as aforesaid, shall remain on Board, or be landed on said Island, or if any Master or immediate Commander of any such Vessel for the Time being, shall come on Shoar, or suffer any of his People or Passengers to come on Shoar, or any Boats to come on Board, or suffer any Goods to be taken out of his Vessel, unless permitted as aforesaid, or shall come up with his Vessel, until by a Certificate under the Hands of the Select-Men or major Part of them as aforesaid, it shall appear to the Captain General that said Vessel Company and Goods are clear of Infection, and the Orders for stopping and detaining the same be removed and taken off, he shall for every such Offence forfeit the Sum of *Fifty Pounds*; and in Case he be not able to pay that Sum he shall suffer three Months Imprisonment; and if any Sailors or Passengers coming in said Vessel, shall without the Knowledge or Consent of the Master presume to come on Shoar, or up above the said Castle, or if any Person from Town or Country shall knowingly presume to go on Board such Vessel, or go to the aforesaid House or Island in Time of Infection there, without Leave as aforesaid, or if any Person put sick into the said House, or sent there on Suspicion of being infected, shall presume to go off the Island without Leave as aforesaid, every Person offending in any of the Particulars above-mentioned, shall forfeit the Sum of *Forty Pounds*; and in Case any Person be not able to pay the said Sum, he shall suffer two Months Imprisonment. All the before-mentioned Fines to be sued for and recovered by the Select-Men of the Town of *Boston* for the Time being, one Moiety thereof to be to his Majesty for the Use of this Government, the other Moiety to the Informer.

Leave to be had of the Select-Men for Landing Passengers or Goods.

Forfeiture for Contempt by the Master and others.

Justices of the Peace to order infectious Vessels or Persons to the Hospital.

And be it further enacted, That when and so often as any Ship or other Vessel wherein any Infection or infectious Sickness hath lately been, shall come to any Port or Harbour within this Province; or when and so often as any Person or Persons belonging to or that may either by Sea or Land come into any

Town

Town or Place near the publick Hospital within this Province shall be visited, or who lately before may have been visited with any infectious Sickness; two of the Justices of the Peace or Select-Men of such Place, be and hereby are impowered immediately to order the said Vessel and sick Persons to the Province Hospital or House aforesaid, there to be taken Care of according to the Directions of this Act; and where any such Ship Vessel or Persons cannot without great Inconvenience and Damage be ordered to the aforesaid House or Hospital, in every such Case the Rules and Directions are to be observed which are already made in and by an Act pass'd in the 13th Year of the Reign of his late Majesty King *William* the Third, Intituled *An Act providing in Case of Sickness.*

Penalty for not answering on Oath referring to Infection.

And be it further enacted, That if any Master, Seaman or Passenger belonging to any Ship on board which any Infection is or hath lately been or is suspected to have lately been, or coming from any Port where any infectious mortal Distemper prevails, shall refuse to make Answer on Oath to such Questions as may be asked him or them by the Select-Men of the Town (who are hereby impowered to administer the same) to which such Ship shall come, relating to such Infection, such Master, Seaman or Passenger, shall forfeit the Sum of *Fifty Pounds*; and in Case he be not able to pay said Sum he shall suffer six Months Imprisonment; the above-mentioned Fine to be sued for and recovered by the Select-Men of the respective Towns where the Offence shall be committed; one Moiety thereof to be to his Majesty for the Use of this Government, and the other Moiety to the Informer; and where any Person shall be convicted of any Offence against this Act, and suffer the Pains of Imprisonment, and shall be unable to pay the Costs of Prosecution, such Costs shall be paid by the several Towns to which such Persons respectively belong, or if not Inhabitants shall be allowed and paid out of the Province Treasury, and the Select-Men of *Boston* are directed and impowered to provide Nurses, Assistance and other Necessaries for the Comfort and Relief of such sick Persons sent to said Hospital as aforesaid, the Charge thereof to be born by the said Persons themselves, if able, or if Poor and Indigent, by the Towns to which they respectively belong, or if not Inhabitants then at the immediate Charge of the Province.

Select Men directed and impowred in providing Nurses Attendance &c.

## CHAP. III.

## An Act appointing the Times for holding the Superiour Courts of Judicature &c. in the Counties of *Plymouth* and *Barnstable* for the present Year.

Preamble.

WHEREAS *in and by a late Act Intituled,* An Act for altering the Times appointed for holding the Superiour Court of Judicature *&c.* in the Counties of *Plymouth, Bristol,* and *Barnstable*; *it is provided, that his Majesty's Superiour Court of Judicature, Court of Assize and General Goal Delivery shall for the future be held at* Plymouth *within and for the County of* Plymouth, *on the last Tuesday of* April *annually*; *and that the said Court shall be held at* Barnstable *for the Counties of* Barnstable *and* Dukes County *on the first Tuesday of* May *annually: And whereas since the passing said Act the Administration of Government hath by the Death of the late Lieutenant Governour devolved on his Majesty's Council; whereby a general Attendance of the Members of said Council, three of whom are Justices of the said Court, is rendred more especially requisite at this Time:*

Times for holding *Plymouth* & *Barnstable* Superior Courts.

Be it therefore enacted, That the said Court for the present Year shall be held at *Plymouth* within and for the County of *Plymouth* on the third Tuesday of *July* next: And at *Barnstable* for the Counties of *Barnstable* and *Dukes County* on the fourth Tuesday of *July* next.

Writs and other Processes &c.

And be it further enacted, That all Writs and other Processes already issued returnable to the said Court, shall be returned, and all Matters depending at the said Court in either of said Counties shall be proceeded on, at the Days respectively appointed by this Act for holding the same: And all Officers and other Persons concerned are required to conform themselves accordingly.

## An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston* upon Wednesday the twenty-fifth Day of *May* 1757. And continued by Prorogations to Wednesday the twenty-third Day of *November* following, and then met.

### CHAP. IV.

### An Act in Addition an Act Intituled *An Act for Regulating the Hospital on* Rainsford's-Island, *and further providing in Case of Sickness.*

Preamble.

*WHEREAS in and by an Act Intituled,* An Act for Regulating the Hospital on *Rainsford's-Island*, and further providing in Case of Sickness, *it is provided,* That when and so often as any Ship or other Vessel, wherein any Infection or infectious Sickness hath lately been, shall come to any Port or Harbour within this Province; or when and so often as any Person or Persons, belonging to or that may either by Sea or Land, come into any Town or Place near the pulick Hospital within this Province, shall be visited, or who lately before may have been visited with any infectious Sickness; two of the Justices of the Peace or Select-men of such Place, be and hereby are impowered immediately to order the said Vessel and sick Persons to the Province Hospital or House aforesaid, there to be taken Care of.

*But no Penalty is annexed to the Breach of the afore-recited Paragraph of said Act:* Wherefore,

Justices of the Peace &c to order infectious Vessels or Persons to the Hospital.

**Be it enacted by the Governour, Council and House of Representatives,** That when any Ship or other Vessel, wherein any infectious Sickness is, or hath lately been, shall come to any Port or Harbour in this Province, and either two Justices or the Select-Men of the Place, shall order the said Vessel to the Province Hospital; and the Master or Mariners of such Vessel, shall refuse or delay by the Space of six Hours after said Order, given to said Master or either of the Owners of said Vessel, or of the Factors of either of said Owners, to come to sail, if Wind and Weather permit, in order to proceed to said Hospital, the Master of said Vessel shall forfeit and pay the Sum of *One Hundred Pounds*, and suffer six Months Imprisonment; one half of said Fine to be to the Informer or Prosecutor, and the other half to the Poor of the Town or District, to which such Port or Harbour belongs; the Offender to be prosecuted in any Court of Justice proper to try the same.

Penalty for Disobedience to the Act.

## Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston*, upon Wednesday the twenty-fifth Day of *May*, 1757. And continued by Prorogations to Thursday the second Day of *March* following, and then met.

### CHAP. I.

### An Act to prevent Bribery and Corruption.

Persons who shall give or engage any Sum of Money &c for any Office or Place of Trust liable to a Penalty.

**Be it enacted by the Governour, Council and House of Representatives,** That if any Person shall directly or indirectly give, or engage to pay any Sum of Money, or other valuable Consideration to another, in order to induce such other Person to procure for him by his Interest, Influence

Influence or any other Means whatsoever, any Office or Place of Trust within this Government, and be thereof convict, shall forfeit a Sum not exceeding *One Hundred Pounds*, nor less than *Twenty Pounds*, at the Discretion of the Court which shall have Cognizance of the same, and be rendered for ever after incapable of sustaining any Office or Place of Trust within this Province.

Persons who shall receive any Sum of Money &c for procuring any Office or Place of Trust liable to a Penalty.

And be it further enacted, That if any Person shall receive of another any Sum of Money, or other valuable Consideration as a Reward for procuring, or to procure any Office or Place of Trust within this Government, for any other Person, and be thereof convicted, shall forfeit a Sum not exceeding *One Hundred Pounds*, nor less than *Twenty Pounds*, at the Discretion of the Court which shall have Cognizance of the same. And if such Offender be in any such Office, he shall on the Conviction be disabled from holding the same, and be for ever after incapable of sustaining any Office or Place of Trust within this Province.

*And for the more easy Conviction of such Offenders:*

Persons informing freed from Penalties.

Be it further enacted, That if either of the Parties offending as aforesaid, shall give Information upon Oath against the other offending Party, and shall duly prosecute said Information, such Informer shall be freed from every the Penalties aforesaid.

Offences to be tried before the Court of Assize.

And all Offences against this Act, shall be heard, tried and determined before the Superiour Court of Judicature, Court of Assize and General Goal Delivery; and all pecuniary Penalties accruing thereby, shall be one Third thereof to the Informer, and the other two Thirds to the Province.

## CHAP. II.

## An Act for Regulating the Proprietors of the Meadow and Flat-Ground within the Cove called the *Little Harbour* in the Township of *Hingham*, in the County of *Suffolk*.

Preamble.

*WHEREAS the Proprietors of the Meadow and Flat-Ground within the Cove called the* Little-Harbour *in the Township of* Hingham, *in the County of* Suffolk, *in the Year One Thousand Seven Hundred and forty, at a great Expence erected a Dam at the Mouth of said Harbour, by Means of which the same yearly produces a considerable Quantity of Thatch; but that a growing Charge arises from Time to Time in keeping the said Dam in Repair, and that of letting in and drawing off the Water as is necessary; and that the same for Time to come may be well Regulated, and the Charge thereof equally born:*

Proprietors invested with the Powers & Priviledges of calling Meetings, &c.

Be it enacted by the Governour, Council and House of Representatives, That the Proprietors aforesaid be and hereby are invested with the same Powers and Privileges of calling and regulating Meetings, and choosing proper Officers, as the Proprietors of Common and undivided Lands by Law are invested with; and by a major Vote of the Proprietors (to be collected according to their Interest) may make Orders and Rules as they shall judge necessary, touching the Repairing or making any Dam or Dams, and drawing off the Water, and grant and raise any Tax or Taxes for the defreying their necessary Charges, to be assessed and levied on the several Occupants of such Meadow or Flatts, in Manner as by Law publick Taxes are to be levied.

AN

## An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston* upon Wednesday the thirty-first Day of *May*, 1758. And continued by sundry Prorogations to the fourth Day of *October* following, and then met.

### CHAP. I.

### An Act for altering the Times appointed for holding the Courts of General Sessions of the Peace and Inferiour Courts of Common Pleas at *Plymouth*, within and for the County of *Plymouth*.

Preamble.

*WHEREAS the Times appointed by Law for holding the Courts of General Sessions of the Peace and Inferiour Courts of Common Pleas at* Plymouth, *within and for the County of* Plymouth, *is found to be inconvenient*:

Time of Inferiour Courts Sitting in *Plymouth* for the County of *Plymouth* altered.

Be it therefore enacted by the Governour, Council and House of Representatives, That the Times for holding the said Courts of General Sessions of the Peace and Inferiour Courts of Common Pleas at *Plymouth*, for the County of *Plymouth*, shall henceforth be on the first Tuesday of *January*, *April*, *July* and *October* annually; and all Officers and other Persons concerned, are required to conform themselves accordingly.

All Matters depending in said Courts continued.

And be it further enacted, That all Writs, Suits, Plaints, Processes, Appeals, Recognizances, Warrants, or other Matters or Things whatsoever, which now are, or at any Time before the said first Tuesday of *January* shall be issued, taken or depending in the said County of *Plymouth* which were to have been returned or proceeded on at the Time heretofore appointed by Law for holding the said Courts at *Plymouth*, shall be valid and stand good to all Intents and Purposes in the Law, and shall be returned and proceeded on at the Times appointed by this Act for holding the same.

## An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston*, upon Wednesday the thirty-first Day of *May*, 1758. And continued by sundry Prorogations to Friday the twenty-ninth Day of *December* following, and then met.

### CHAP. II.

### An Act to enable Creditors to receive their just Debts out of the Effects of their absent or absconding Debtors.

Preamble.

*FOR the better preventing of Frauds and Deceit too often designed and practiced by ill minded Debtors, in betrusting and depositing their Goods and Effects in the Hands of others with Intent to reserve and secure them to their own Use, and defeat their Creditors of their just Dues, absconding or withdrawing themselves out of this Province, or not being within this Province, or to be come at, and their Goods and Effects concealed so as they cannot be attached and made liable to the Payment of their Creditors by the ordinary Process of Law*:

Be it enacted by the Governour, Council and House of Representatives, That it shall and may be lawful for any Person entitled to any Action of Debt, Detinue, Account, Covenant or Case, in Trover, *Indebitatas*, *Assumsit*, or on express Contract against any Person absconding or absent out of this Province, to cause the Goods and Estate of such absconding or absent Person to be attached in whose Hands or Possession soever the same are or may be found: And the attaching of any Part thereof shall secure and make the whole that is in such Persons Hands liable in the Law to Respond the Judgment to be recovered upon such Process, if so much there be, and no further, and shall be subjected to be taken in Execution for Satisfaction thereof, or so far as the Value thereof will extend, and the Person in whose Hands they are shall expose them accordingly.

Goods and Effects of absconding Debtors to be attached.

And subject to Execution.

And be it further enacted, That where no Goods or Effects of such absent or absconding Person in the Hands of his Attorney, Factor, Agent or Trustee, shall be exposed to View, or can be come at so as to be attached, it shall and may be lawful to and for any Person entitled to any of the aforesaid Actions to file a Declaration against such absent or absconding Person in the Clerk's Office of the Inferiour Court of Common Pleas in the same County where such Factor, Agent or Trustee lives, therein particularly setting forth his Debt and Damage, how and for what Cause it arises, and to cause the Attorney, Factor, Agent or Trustee of such absent or absconding Person to be served with a Summons out of the Office, annexed to the said Declaration fourteen Days before the Sitting of the Court, for his Appearance at such Court; which being duly served, and Return thereof made under the Officer's Hand, shall be sufficient in the Law to bring forward a Trial without other or further Summons, unless the Principal be an Inhabitant or hath for some Time had his Residence within this Province, in which Case a like Summons with an attested Copy of the Declaration annexed, shall also be left at his Dwelling House, Lodging or Place of his last and usual Abode fourteen Days before the Sitting of the Court; and such Attorney, Factor, Agent or Trustee upon his Desire, shall be admitted to defend the Suit on Behalf of his Principal throughout the Course of the Law, and an Imparlance shall be granted of Course at two Terms successively, that he may have an Opportunity to notify his Principal thereof, and at the third Term without special Matter alledged and allowed in Bar, Abatement or further Continuance, the Cause shall peremptorily come to Trial, and if Judgment be rendered for the Plaintiff, all the Goods, Effects or Credits of such absent or absconding Person in the Hands of such Attorney, Factor, Agent or Trustee, which were in his Hands at the Time of his being served with the Summons and Declaration aforesaid, to the Value of such Judgment (if so much there be) shall be liable and subjected to the Execution granted upon such Judgment for or towards satisfying the same, and from the Time of serving the Summons as aforesaid, shall be liable and secured in the Law in his Hands to answer the same, and may not be otherwise disposed of or converted.

Agent, &c. of an absent Debtor to be summoned to Court in Case no Effects appear.

Trial thereupon to be had.

Two Imparlances to be granted.

Goods in such Agents Hands subject to Execution on a Judgment.

*Provided nevertheless*, and be it enacted, That if upon Summons being served as aforesaid, the supposed Attorney, Factor, Agent or Trustee, shall come into Court at the first Term, and declare that he had not in his Hands at the Time of the Service of such Summons, any Goods, Effects or Credits whatsoever of the absent or absconding Person, and shall submit to an Examination upon Oath respecting the same; and if upon such Examination it shall appear to the Satisfaction of the Justices of the Court that he had not any Goods, Effects or Credits whatsoever of the absent or absconding Person in his Hands at the Time of his being summoned as aforesaid, then in every such Case the Plaintiff shall become Nonsuit, and shall pay to him who was summoned as Attorney, Factor, Agent or Trustee, his reasonable Costs, to be taxed in common Form by the Justices of the Court.

Proviso.

And be it further enacted, That if any Attorney, Factor, Agent or Trustee, being served with Summons and Declaration as aforesaid, shall not appear at the first Term, and then either acknowledge himself to have had in his Hands some Goods

Agents not appearing at the first Term &c. liable to pay Costs.

Goods, Effects or Credits of the absent or absconding Person at the Time of the Service aforesaid; and thereupon pray that he may be admitted to defend the Action, or otherwise submit himself to an Examination upon Oath as aforesaid, he shall be liable to pay to the Plaintiff all such Costs as shall arise upon his Suit, to be taxed by the Justices of the Court before which the Action shall be brought.

Execution to be levied on Agents proper Goods and Estate in Case,

**And be it further enacted**, That in Case any Attorney, Factor, Agent or Trustee, from and after the Time of his being served with Summons and Declaration as aforesaid against his Principal (being an absent or absconding Person) shall transfer, remit, dispose of or convert any of the Goods, Effects or Credits of such absent or absconding Person in his Hands at the Time of such Service, so that there shall not be sufficient to satisfy the Judgment (the Debt being afterwards ascertained by Judgment of Court) or that shall not discover, expose and subject the Goods, Effects or Credits of such absent or absconding Person in his Hands to be taken in Execution for or towards the Satisfaction of the Judgment so far as what were in his Hands at the Time of said Service will extend, shall be liable to satisfy the same of his own proper Goods and Estate, and as of his own Debt; and a Writ of *Scrire Facias* may be taken out of the same Court and served upon him as the Law directs, to appear and shew Cause (if any he have) to the contrary, where upon Default of Appearance or Refusal to disclose upon his Oath (which Oath the Justices of such Court are impowered to administer) what Goods, Effects or Credits of the absent or absconding Person are in his Hands, and to what Value; then Judgment shall be entred up against him of his own proper Goods and Estate, and Execution be awarded accordingly.

Agent to be put on Oath.

Proviso.

*Provided nevertheless*, **and be it enacted**, That if it shall appear that the Attorney, Factor, Agent or Trustee so summoned as aforesaid, and having in his Hands at the Time of such Summons any Goods, Effects or Credits of the absent or absconding Person hath not any Ways remitted, disposed of or any Ways converted the same after the Summons being served on him as aforesaid; but that he hath discovered, exposed and subjected them to be taken in Execution to satisfy the Judgment recovered against the absent or absconding Person as aforesaid, then the Party who commenced the Suit shall pay such Attorney, Agent, Factor or Trustee, his reasonable Costs, to be taxed in common Form by the Justices of the Court from which the *Scire Facias* issued as aforesaid.

Agent to be acquited and discharged.

**And be it further enacted**, That the Goods, Effects or Credits of any absent or absconding Person so taken as aforesaid by Process and Judgment of Law out of the Hands of his Attorney, Factor, Agent, or Trustee, by any of his Creditors, shall fully acquit and forever discharge such Attorney, Factor, Agent or Trustee, his Executors or Administrators, of, from and against all Actions and Suits, Damages, Payments and Demands whatsoever, to be asked, commenced, had, claimed or brought by his Principal, his Executors or Administrators, of and for the same; and if any Attorney, Factor, Agent or Trustee, shall be molested, troubled or sued by his Principal for any Thing by him done in pursuance of this Act, he may plead the general Issue and give this Act in Evidence.

Proviso.

*Provided nevertheless*, That any absconding or absent Person against whom Judgment shall be recovered as aforesaid, shall be entitled to a Review of the same at any Time within three Years after such Recovery.

## CHAP. III.

## An Act to prevent a Multiplicity of Law-Suits.

Preamble.

*WHEREAS of late it hath been the Practice of some of the Sheriffs, Under Sheriffs, or their Deputies, within this Province, to receive from some of the Justices of the Peace, and the Clerks of the Courts within the respective Counties, blank Writs, and then fill them up and serve them, and sometimes appear by Virtue of a Power of Attorney to pursue the same; which Practice has a Tendency very much to increase the Number of Law-Suits, and to a partial Administration of Justice:*

For

For Remedy whereof:

No Sheriff &c to presume to fill any Writ or give Advice and Assistance except in certain Cases.

Be it enacted by the Governour, Council and House of Representatives, That no Sheriff, Under-Sheriff, or Deputy-Sheriff within this Province, from and after the tenth Day of *February* 1759, shall presume to draw or fill up any Writ for any Matter or Thing whatsoever, triable before any of his Majesty's Justices of the Peace or Courts of Record within this Province, or be any Ways of Advice or Assistance therein, unless in Cases where he or they are concerned as Plaintiff; and in Case it appears to the Justice or Court to whom such Writ is returned, that any Writ was so drawn or filled up as aforesaid, such Justice or Court shall dismiss the same, and allow Costs for the Defendant.

No Sheriff &c. to appear as an Attorney &c.

And be it further enacted, That no Appearance of any Sheriff his Under-Sheriff or Deputy, before any Justice of the Peace or Court of Record, by Virtue of a Power of Attorney shall be allowed good to any Intent or Purpose whatsoever, in the County where he is an Officer, except where the Party giving the Power lives out of the Province, and in this Case his Appearance shall not be allowed if he filled the Writ.

---

## An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston*, upon Wednesday the thirty-first Day of *May*, 1758. And continued by sundry Prorogations to Wednesday the twenty-eighth Day of *February* following, and then met.

---

### CHAP. IV

## An Act in further Addition to the several Laws now in Being for the more speedy finishing the Land Bank or Manufactory Scheme.

1756. 2. ca. 3.

Preamble.

*WHEREAS notwithstanding the several Laws made for bringing the Land Bank or Manufactory Scheme to a Conclusion, yet by Reason of the Death of some of the late Partners in said Scheme the Insolvency of others, the Removal of divers of them out of the Province (after their having sold their Real Estates) the Difficulties that have occurred in making Sale of the Real Estates that have been taken in Execution, together with the last Assessment (which was lodged in the Secretary's Office) being rendred invalid this Affair as yet Remains unsettled, to the great Damage of all concerned: And whereas an Account has been taken in Consequence of a Law passed at the Session of the General Court in* March *last, of all the Manufactory Bills outstanding (amounting to about* NineHundred and ninety five Pounds *in those Bills) to the End that an Assessment might be made for the drawing in said Bills forthwith, and thereby putting a Stop to the Interest growing thereon:*

Commissioners appointed in the Room of *John Jeffries* & *John Chandler*, Esqrs; and their Power.

Be it therefore enacted by the Governour, Council and House of Representatives, That *Thomas Goldthwait*, and *Nathanael Hatch*, Esqrs; be Commissioners in the Room of *John Jeffries*, Esq; who has resigned, and of *John Chandler*, Esq; who declined Attendance on this Service soon after his Appointment to receive Commission from the Governour, and the said Commissioners with *Samuel Danforth*, Esq; or any two of them, after the said *Thomas Goldthwait*, and *Nathanael Hatch*, have been duly sworn as the Law directs, shall by Virtue of this Act have as full Power in all Respects as the Commissioners, heretofore by Law appointed for adjusting and settling the Affairs of that Scheme were vested with, and they are hereby authorized and directed as soon as

may be, to make an Assessment of *Three Thousand Pounds* Lawful Money on such of those Persons mentioned in a List printed in the Supplement to the *Boston Gazette*, One Thousand seven Hundred and forty-five, as are now living within this Province, whom they shall judge of Ability as to Estate forthwith to pay what they shall be assessed, and to proportion the same among them as agreeable to the Rules heretofore observed by the Commissioners as may be, and the Assessment so made, the said Commissioners shall immediately after the making thereof cause to be published in the *Boston* Weekly News-Papers, that so every Person concerned may have the Knowledge thereof, and have Opportunity to pay the Sum assessed on them respectively, to the Commissioners; and if any Person so assessed shall neglect Payment for the Space of thirty Days next after the Publication thereof, the said Commissioners shall forthwith issue their Executions against such Delinquent and their Estates; which Execution shall be in the Form following, *viz*,

Province of the *Massachusetts-Bay*, } *Esqrs; Commissioners for the more speedy finishing the Land Bank or Manufactory Scheme.*

*To the Sheriff of the County of his Under-Sheriff or Deputy.* Greeting.

Form of the Execution.

*WHereas on the Day of an Assessment was made by us on divers of the late Directors and Partners in said Scheme, and afterwards published in the public News-Papers in* Boston *agreeable to Law, since which more than thirty Days have elapsed, in which* A. B. *of* C. *in the County of* E. *a late Partner in said Scheme was assessed the Sum of as his Part or Proportion; and altho' public Notice has been given of said Assessment as aforesaid, yet the said* A. B. *has neglected to pay the same to us. You are therefore hereby required in his Majesty's Name, to levy of the Monies of the said* A. B. *the Sum of or of his Goods and Chattels to the Value thereof, and pay the same to us within thirty Days coming, and for want of such Money or Goods and Chattels to the Value thereof (when sold at an Outcry) to be by him shewn unto you or found within your Precinct, you are hereby commanded to apprehend the Body of the said* A. B. *and him commit unto his Majesty's Goal in and the Keeper thereof is hereby commanded to receive the said* A. B. *into the said Goal, and him safely keep until he shall pay the full Sum aforesaid, with your Fees. Hereof fail not, and make Return of this Precept with your Doings into our Office at* Boston *within thirty Days next coming. Given under our Hands and Seals at* Boston, *the Day of* A. D. *and in the Year of his Majesty's Reign.*

Coroners &c. to levy Executions on Sheriffs &c.

And all Sheriffs, Under-Sheriffs and Deputies, and (where they are Interested) all Coroners, and where the Sum exceeds not *Ten Pounds*, all Constables are impowered to serve said Executions, being directed to them.

Commissioners when enabled to redeem Bills to give Notice.

**And be it further enacted**, That the said Commissioners or the major Part of them as soon as they are enabled to redeem said Bills, shall give Notice in the said Weekly News-Papers of the Time and Times in the Town of *Boston*, when and where they will attend to redeem them, which public Notice being inserted in all the Weekly News-Papers printed in *Boston* six Weeks successively, is hereby made and declared a legal Tender to all and every Possessor and Possessors of said Bills.

Commissioners impowered to call Sheriffs &c. to Account

**And be it further enacted**, That the said Commissioners be and they hereby are fully impowered to call to Account all Sheriffs, Deputy-Sheriffs, Coroners and Constables, who have received Warrants heretofore against any of the said Directors or Partners, and those of them who have been or shall be guilty of Negligence or Misfeazance, pursue in a Course of Law until final Issue in order to recover Damages (to which they are hereby declared liable) for their Negligence or Misfeazance.

And

And be it further enacted, That so soon as the aforesaid Bills shall have been redeemed, the said Commissioners shall proceed to make another Assessment as equitably as may be, as well upon such of the Partners who (having some Estate) may have been omitted in their former Assessment, as upon the Real Estate of all said Partners who are deceased or removed out of the Province, and conveyed away their said Estates contrary to an Act or Law of this Province made in the seventeenth Year of his present Majesty's Reign, Intituled *An Act for the more speedy finishing the Land Bank or Manufactory Scheme*, and to proportion the same in such Manner according to the Laws heretofore made relative to said Scheme, as that any Losses or Charges arisen or that may arise, may be born by the Persons concerned therein as equitably as may be, and shall give Notice thereof as in this Act is directed relating to the other Assessment, to the End that the Tenants in Possession or others concerned may be duly apprized thereof, and may pay said Assessment; and if Neglect be made of Payment for the Space of thirty Days next after such Notice given, the said Commissioners are hereby authorized and impowered forthwith to sell so much of the said Real Estate which did belong to such delinquent Partner, as they shall judge sufficient to answer his said Assessment, and give sufficient Deed or Deeds therefor, first giving Notice of Time and Place of Sale thirty Days before-hand, and upon the executing such Deed or Deeds, it shall be lawful for the Vendee or Vendees immediately, and without other Process in the Law, to enter into the Estate so conveyed, and to hold the same, the Conveyance of any such Partner contrary to the said Act made in the seventeenth Year of his present Majesty's Reign, or the Possession of any such Tenant or Tenants notwithstanding, and Execution shall issue against the aforesaid Partners who have been omitted in their former Assessment in Manner and Form as is provided by this Act.

Bills redeem'd the Commissioners impowered to make a new Assessment &c.

*And whereas Endeavours have been used to discourage and prevent Persons (otherwise inclined to purchase) from bidding for Estates taken by Execution, and exposed to publick Sale:*

Preamble.

Be it therefore further enacted, That where the Estate of any of the late Directors or Partners (taken by Warrants or Execution from the Commissioners) hath or shall be exposed to publick Sale, and could not be sold, or where the highest Sum bid as the purchase Consideration was or shall be but of trifling Value compared with the real Value of such Estate, in such Case it shall be lawful for the said Commissioners or such other Person or Persons as by Law are vested with Authority to dispose of such Estate, to convey the same by private Sale, where 'tis apprehended that said Estate may be so vended to better Advantage.

Directors or Partners Estates not sold by public Sale &c. may be otherwise disposed of.

And be it further enacted, That the said Commissioners shall sit in the Town of *Boston* for the accomplishing those Affairs, as often as they shall judge necessary, and be paid for their Service what this Court shall judge reasonable; and if there shall be a Surplus in the Hands of the said Commissioners after redeeming said Bills, and paying all Losses and necessary Charges, the said Commissioners shall divide and pay the same equitably among the said Partners who shall have duly paid their said Assessments.

Commissioners to sit in the Town of *Boston*.

And be it further enacted, That all Persons who shall purchase any of the Lands aforesaid from the said Commissioners or Sheriffs, shall be forever excluded and debar'd from bringing any Action or Actions against the said Commissioners or Sheriffs, upon the Account of any Disturbance which may happen to the said Purchasers or any of them, in their Possessions or Titles, from any Person or Persons whatsoever.

Persons purchasing Lands from Commissioners &c. bar'd from bringing Actions, &c.

# An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston* upon Wednesday the thirtieth Day of *May*, 1759. And from thence continued by sundry Prorogations to Wednesday the second Day of *January* following, and then met.

## CHAP. I.

1 *W. & M.* ca. 11.

## An Act in further Addition to an Act Intituled *An Act for the Settlement and Support of Ministers and School-Masters.*

Preamble.

*WHEREAS in and by an Act made and passed in the fourth Year of the Reign of King* William *and Queen* Mary, *Intituled* An Act for the Settlement and Support of Ministers and School-Masters, *it is among other Things enacted,* "That the Inhabitants of each Town within this "Province shall take due Care from from Time to Time to be provided of an "Able, Learned, Orthodox Minister or Ministers of good Conversation to dispence "the Word of God to them; which Minister or Ministers shall be suitably "encouraged and sufficiently supported and maintained by the Inhabitants of "such Town."

*And whereas notwithstanding the Provision aforesaid, some Towns, Districts, Precincts or Parishes within this Province have chosen to and settled in the Work of the Ministry, ignorant and illiterate Persons, by Means whereof the validity of the Assessments made for the Support of such Persons has been disputed, and the Peace and good Order of such Towns, Districts, Precincts and Parishes, have been greatly disturbed:*

For Prevention whereof for the future;

Towns &c. not to be assessed towards the Support of illiterate Ministers, unless.

**Be it enacted by the Governour, Council and House of Representatives,** That it shall not be lawful for any Town, District, Precinct or Parish to assess the Inhabitants thereof for or towards the Support or Maintenance of any Person who shall be hereafter called to or settled in the Work of the Gospel Ministry in such Town, District, Precinct or Parish, unless such Person shall have been educated at some University, College or publick Academy for the Instruction of Youth in the learned Languages, and in the Arts and Sciences, or shall have received a Decree from some University, College, or such publick Academy, or shall have obtained Testimonials under the Hands of the major Part of the settled Ministers of the Gospel in the County where such Town, District, Precinct or Parish shall lie, that they apprehend him, the said Person being a Candidate for the Gospel Ministry, to be of sufficient Learning to qualify him for the Work of such Ministry; and all Assessments contrary to this Act shall be void and have no Effect.

AN

# An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston* upon Wednesday the thirtieth Day of *May* 1759. And from thence continued by sundry Prorogations to Wednesday the nineteenth of *March* following, and then met.

## CHAP. II.

## An Act for further Regulating the Partition of Real Estates.

*WHEREAS the Justices of the Superiour Court in certain Cases, and the Judges of Probate in certain Cases, are by Law impowered to appoint five Freeholders to make Partition of Real Estates: And whereas it is found unnecessary for so great a Number to be appointed where the Estate to be divided is but of small Value:* Preamble.

Be it therefore enacted by the Governour, Council and House of Representatives, That for the future it shall and may be lawful for the Justices of the Superiour Court and Judges of Probate respectively to appoint either three Freeholders or five to make Partition of Real Estates according to the Circumstances of the Estate to be divided, and as such Justices or Judges of Probate in their Discretion shall think proper. Justices of the Superior Court and Judges of Probate respectively to appoint Freeholders to make Partition of Real Estates.

*And whereas it sometimes happens that the Estate to be divided, consists of such distinct Tenements, and under such peculiar Circumstances, as that an exact Partition thereof cannot be made to each of the Parties according to his Share in the whole Estate, without making such fractional Division of a Messuage Tract of Land or other Tenement as would be extremely prejudicial to the Interested therein:*

For Prevention whereof:

Be it further enacted, That when any Messuage Tract of Land or other Tenement shall be of greater Value than either Party's Purpart or Share in the Estate to be divided, and cannot at the same Time be subdivided or Part thereof assigned to one and Part to another without great Inconvenience, the same may be settled on one of the Parties not being a Minor, he paying for owelty of Partition, or to make a just and equitable Partition, such Sum or Sums to such Party or Parties as by Means thereof have less than their Share of the Real Estate, as said Dividers shall award, and the Part so assigned shall stand charged for the Payment thereof. Where Lands &c. cannot be subdivided, may be settled on one of the Parties not being a Minor.

# Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and held at *Boston* upon Wednesday the twenty-eighth Day of *May*, 1760.

## CHAP. III.

## An Act for the better Rebuilding that Part of the Town of *Boston*, which was laid Waste by the late Fire; and for preventing Fire in that Town for the future.

*WHEREAS great Desolation hath been lately made by Fire in the Town of* Boston, *which hath been principally occasioned by the Narrowness of the Streets, and the Houses being built with Wood, and covered with Shingles: And whereas a Committee was appointed by the General Court in the last Session, for Regulating the Streets in that Part* Preamble.

*Part of the Town which was so laid Waste, and the Committee hath accordingly proceeded to lay out the Streets there; a Plan whereof hath been laid before this Court, and is now deposited in the Secretary's Office:*

Streets confirm'd.

Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives, That the said Proceedings of the Committee, be and are hereby confirmed; and all Actions that shall be brought for recovering Possession of any Land lying within any of the Streets laid out as aforesaid, or for Damages sustained or occasioned thereby, shall be utterly and forever barred.

No Buildings to encroach thereon.

And be it further enacted, That no Building whatsoever be so erected as to encroach upon any Street by them laid out as aforesaid, and that every Building so erected be deemed a Nusance, and be accordingly demolished by the Order of any two Justices of the Peace for the County of *Suffolk*, the Charges of such Demolition to be paid out of the Monies which shall be raised by the Sale of the Materials of such Building, which by the Order of said Justices shall be sold for that Purpose; unless the said Charges shall be immediately paid by the Owner.

Penalty for removing Boundary Marks.

And be it further enacted, That if any Person or Persons whatsoever shall wittingly or willingly, without good Authority, pluck up or remove any of the Stakes or Bound Marks, which have been or shall be fixed or set up by Order of said Committee to distinguish and ascertain the Streets aforesaid, and shall be thereof convicted before any two Justices of the Peace for the County of *Suffolk*, he or they shall for every such Offence be imprisoned by Order of such Justices for the Space of two Months, unless he or they shall forthwith pay or cause to be paid to the Treasurer of the Town of *Boston*, the Sum of *Three Pounds* for the Use of said Town.

*And whereas some Persons may suffer Damage by the laying out of the Streets according to the Plan aforesaid, and others may receive Benefit and Advantage thereby:*

Damages to be assessed by a Jury.

Be it further enacted, That *Samuel Danforth*, *Samuel Watts* and *Joseph Williams*, Esqrs; or any two of them, shall on or before the tenth Day of *July* next, summon a Jury of Twelve meet Persons (none of which to be Inhabitants of the Town of *Boston*) to view the Streets aforesaid, and the several Tenements or Lots of Land abutting thereon, and to estimate the Damages which any Person or Persons may sustain by Means of any Street's being laid out as aforesaid; and likewise the Benefit or Advantage that may accrue to any Person or Persons thereby; and whatever Damages any shall sustain according to such Estimation, shall be made good to the Party endamaged, either by such particular Person or Persons as shall be thereby benefited, or by the Town of *Boston*, or by both, in such Proportion as the said Jury shall find reasonable: And every Estate so bettered or advantaged as well as the Owner thereof, shall be subjected to make good the Sum assessed on Account of such Advantage. The Charge of the Jury as well as the Charge of laying out the Streets to be born and paid in the like Proportion by the Town or Person so benefited.

Certificate thereof to be returned to the Assessors.

And be it further enacted, That when the Jury aforesaid, shall have ascertained to the said Justices the Damages sustained by any Person or Persons by Means of the laying out any Street or Streets, as aforesaid, together with the several Sums to be paid by the Town or any particular Persons to make good such Damages and defrey the Charges of laying out the Streets, of summoning the Jury, and of the Justices and Jurors attending on the Business assigned them respectively, the said Justices shall within six Days after the Jury's Report, give a Certificate thereof under their Hands to the Assessors of the Town of *Boston*; and those Assessors shall within two Months after the Receipt of such Certificate make an Assessment on the Inhabitants of the Town for such Sum as by the Jury's Report ought to be paid by the Town, and likewise on particular Persons for such Sum as by the Jury's Report ought to be paid by them respectively, and issue their Warrants to the Collectors requiring them to collect and pay the same within two Months into the Town-Treasury. And the Treasurer of said Town shall within three Months after the issuing of such Warrants, pay to the Person endamaged as aforesaid, the respective Sums assigned

assigned them by the Jury's Report, in Satisfaction for the Damages by them sustained.

And be it further enacted, That where any Pump or Well of Water, by the laying out of any Street as aforesaid is taken into the Street, the same shall be kept in good Order at the Expence of the Persons dwelling near the same, or of the Town, or both, as shall be agreed between such Persons and the Select-Men of the Town; and in Case they cannot agree before the Sitting of the Court of General Sessions of the Peace, to be held within and for the County of *Suffolk*, on the first Tuesday of *October* next; then the Justices of the said Court may and shall determine by whom and in what Proportion the Charge of maintaining any such Pump or Well, and keeping the same in good Order shall be borne, unless the Town shall find it inconvenient for such Pump or Well to remain in the Street, in which Case the same shall be stop'd and filled up at the Charge of the Town. Pumps or Wells falling within the Streets, how to be maintained.

And be it further enacted, That no House or other Building whatsoever of more than seven Feet in Height shall be erected in *Boston* otherwise than of Stone or Brick, and covered with Slate or Tiles, and that no House or other Building already erected, of any greater Dimensions than as aforesaid, shall be hereafter covered a new on the Top, any otherwise than with Slate or Tiles, on Penalty of *Fifty Pounds*, to be paid by the Owner of the same for the Use of the Poor of the said Town, to be recovered by an Action brought for the same by the Town Treasurer. Buildings, of what Materials to be erected.

And be it further enacted, That every Dwelling House which shall be built otherwise than by this Act is provided, shall be subjected to a yearly Tax of *Twenty Pounds*, and every Ware-house, Shop, Stable or Barn, to a yearly Tax of *Ten Pounds*, to be paid into the Town Treasury by the Occupier thereof, for the Use of the Town; and the Assessors shall accordingly add such Sum or Sums to the Town Tax of every such Occupant yearly over and above the Sum with which he would otherwise have been taxed, and shall particularly specify the same in the Tax Bill. Penalty on Non observance.

*Provided always*, That it shall and may be lawful for any Person to build of Wood any Ware-house, Shop or Work House upon any Wharff where, in the Opinion of the Select-Men no solid Foundation can be had without great Expence; on Condition that the Sides of such Warehouse, Shop or Work-house be covered with Plaister, or Slate, and the Roof covered with Slate or Tiles; any Thing in this Act to the contrary notwithstanding. Proviso.

*And whereas sundry Persons have heretofore inconsiderately erected Dwelling-Houses or other Buildings in a Manner contrary to the Provision of an Act made and passed in the fourth Year of the Reign of their late Majesties King* William *and Queen* Mary, *Intituled* An Act for building with Stone or Brick in the Town of *Boston*, and preventing Fire: Preamble.

Be it enacted, That every such Person be indemnified and saved harmless from any Prosecution for violating the Act aforesaid: *Provided*, That the House or other Building so erected by him, shall be covered with Slate or with Tiles within ten Years from the first Day of *June*, One Thousand seven Hundred and sixty. Former Breaches of Law in what Case excused.

## CHAP. IV.

## An Act for erecting and establishing two new Counties in the Easterly Part of the County of *York*.

WHEREAS *the great Extent of the County of* York *makes it convenient that two new Counties should be erected and established in the Easterly Part thereof:* Preamble.

Be it enacted by the Lieutenant Governour, Council and House of Representatives, That the County of *York* aforesaid shall be, and it hereby is declared

County of *York* how bounded.

declared to be Bounded on the East by a Line to run from the Sea Northwesterly upon the Easterly Line of the Township of *Biddeford* as far as *Narraganſett* Number One; from thence Northeasterly on ſaid *Narraganſett* to the Eaſtermoſt Corner thereof; from thence Northwesterly on ſaid *Narraganſett* to the Northermoſt Corner thereof; from thence Southwesterly on ſaid *Narraganſett* to *Saco-River*; from thence up ſaid *Saco-River* as far as *Pearſon-Town* extends thereon; and from thence to run North two Degrees West on a true Courſe as far as the utmoſt Northern Limits of this Province: All the other Boundary Lines of ſaid County to remain the ſame as heretofore.

New County of *Cumberland* how bounded.

And be it further enacted, That the Weſtermoſt of the two new Counties aforeſaid ſhall be, and it is hereby declared to be Bounded, on the Weſt by the Eaſterly Line of the County of *York* above deſcribed; on the North by the utmoſt Northern Limits of this Province; on the Southeaſt by the Sea or Weſtern Ocean, and by *Caſco-Bay*; from the Eaſterly Point of which Bay, *viz.* from *Small-Point* the Line ſhall run Northwesterly upon ſaid *Caſco-Bay* to *New-Meadows* Creek or River, and up ſaid Creek or River as far as *Stevens* Carrying-Place at the Head of ſaid Creek or River; thence a-croſs ſaid Carrying-Place to *Merry-Meeting-Bay* and *Andros-coggin-River*; from thence it ſhall run up ſaid *Andros-coggin-River* thirty Miles; and from thence North two Decrees Weſt on a true Courſe to the utmoſt Northern Limits of this Province: Including all the Iſlands in *Caſco Bay* aforeſaid, and on the Sea Coaſt of the ſaid new County. And all the Towns, Diſtricts and Lands within ſaid Bounds, together with the Iſlands aforeſaid, ſhall from and after the firſt Day of *November*, One Thouſand ſeven Hundred and ſixty, be and remain one entire and diſtinct County by the Name of *Cumberland*, of which *Falmouth* ſhall be the Shire or County Town: And the Inhabitants of ſaid County of *Cumberland* ſhall have, uſe, exerciſe and enjoy all ſuch Powers, Priviledges and Immunities as by Law the Inhabitants of any other County within this Province have, uſe, exerciſe and enjoy.

Inferiour Courts to be held at *Falmouth*.

And be it further enacted, That there ſhall be held and kept within the ſaid County of *Cumberland*, a Court of General Seſſions of the Peace, and an Inferiour Court of Common Pleas, to ſit at *Falmouth* aforeſaid on the firſt Tueſdays of *May* and *September* yearly, and in every Year until this Court ſhall otherwiſe order.

Superiour Court to be held at *Falmouth*.

Alſo, that there ſhall be held and kept at *Falmouth* aforeſaid until this Court ſhall otherwiſe order, a Superiour Court of Judicature, Court of Aſſize and General Goal Delivery, to ſit on the fourth Tueſday of *June* yearly and every Year: And the Juſtices of the ſaid Court of General Seſſions of the Peace, Inferiour Court of Common Pleas, Superiour Court of Judicature, Court of Aſſize and General Goal Delivery reſpectively, who are or ſhall be thereunto lawfully Commiſſioned and Appointed, ſhall have, hold, uſe, exerciſe and enjoy all and ſingular the Powers which are by Law already given and granted unto them within any other County of this Province, where a Court of General Seſſions of the Peace, Inferiour Court of Common Pleas, Superiour Court of Judicature, Court of Aſſize and General Goal Delivery are already eſtabliſhed.

Juſtices of the Court of Seſſions at their firſt Meeting to appoint a Regiſter of Deeds.

And be it further enacted, That the Juſtices of the Court of General Seſſions of the Peace at their firſt Meeting in the ſaid County of *Cumberland*, ſhall have full Power and Authority to appoint ſome fit Perſon within the ſaid County of *Cumberland*, to be Regiſter of Deeds and Conveyances within the ſame, who ſhall be ſworn to the faithful Diſcharge of his Truſt in the ſaid Office, and ſhall continue to hold and exerciſe the ſame, according to the Directions of the Law, until ſome Perſon be elected by the Freeholders of the ſaid County of *Cumberland*, who are hereby impowered to chooſe ſuch Perſon at their firſt *March* Meeting within their reſpective Towns and Diſtricts in the Method already by Law preſcribed; Which Perſon taking upon him that Truſt, ſhall be ſworn to the faithful Diſcharge thereof: And until ſuch Regiſter ſhall be ſo appointed by the ſaid Juſtices and ſworn, all Deeds and Conveyances of Land lying within any Part of the ſaid County of *Cumberland*, being recorded in the Regiſter's Office

Office of the County of *York* aforesaid, shall be held good and valid to all Intents and Purposes, so far as relates to the Record of them.

*And be it further enacted*, That the Method and Proceedings directed to by Law, for the chooſing a Regiſter of Deeds and Conveyances, and a County Treasurer (which last mentioned Office shall be chosen and appointed in Manner as the Law directs, at the next *March* Meeting of the Freeholders aforesaid) also for the bringing forward and trying any Actions, Causes, Pleas or Suits both Civil and Criminal in the several Counties of this Province, and Courts of Judicature within the same; and for chooſing of Jurors to serve at the several Courts of Justice, shall be observed and put in Practice within the said County of *Cumberland*, and by the Courts of Justice within the same: Any Law, Usage or Custom to the contrary notwithstanding. Regiſter and other Officers to be afterwards chosen as in other Counties.

*And be it further enacted*, That the most Eastern County shall be bounded in the following Manner, *That is to say*, on the West by the County of *Cumberland* aforesaid; on the East by the Province of *Nova-Scotia*; on the South and Southeast by the Sea or Western Ocean; and on the North by the utmost Northern Limits of this Province; including all the Islands to the Eastward of the County of *Cumberland* aforesaid. And all the Towns, Districts and Lands within said Bounds, together with the Islands aforesaid, shall from and after the first Day of *November* One Thousand seven Hundred and sixty, be and remain one entire and distinct County by the Name of *Lincoln*, of which *Pownalborough* shall be the Shire or County Town: And the Inhabitants of the said County of *Lincoln* shall have, use, exercise and enjoy all such Powers, Priviledges and Immunities as by Law the Inhabitants of any other County within this Province have, use, exercise and enjoy. New County of *Lincoln*

*And be it further enacted*, That there shall be held and kept within the said County of *Lincoln*, a Court of General Sessions of the Peace, and an Inferior Court of Common Pleas, to sit at *Pownalborough* aforesaid on the second Tuesdays of *May* and *September* yearly, and in every Year, until this Court shall otherwise order. And the Justices of the said Court of the General Sessions of the Peace, and of the said Inferiour Court of Common Pleas, who are or shall be thereunto lawfully Commissioned and Appointed, shall have, hold, use, exercise and enjoy all and singular the Powers which are by Law already given and granted to such Justices within any other County of this Province, where a Court of General Sessions of the Peace and Inferior Court of Common Pleas are already established. And all Appeals from any Judgment or Judgments given at any Courts of General Sessions, and at any Inferior Court of Common Pleas within the said County of *Lincoln*, shall be heard and tried at the Superior Court of Judicature to be held yearly at *Falmouth* as aforesaid. Inferior Court to be held at *Pownalborough*. Superior Court at *Falmouth*.

*And be it further enacted*, That the Governor, with the Advice and Consent of his Majesty's Council, shall be authorized to appoint for and during the Term of five Years from *February* next, some fit Person within the County of *Lincoln* to be Regiſter of Deeds and Conveyances within the same, who shall be sworn to the faithful Discharge of his Trust in said Office; and shall continue therein to the End of the Term aforesaid, and until some fit Person be chosen and appointed in his Stead by the Freeholders and other Inhabitants of the several Towns and Districts within the said County, qualified according to Law, to act in Town and County affairs. And the said Regiſter shall be sworn to the faithful Discharge of his Office in the Manner required by Law; and shall act in his said Office according to the Directions of the Law: And until a Regiſter shall be appointed and sworn, all Deeds and Conveyances of Land lying in any Part of the said County of *Lincoln* being Recorded in the Regiſter's Office in the County of *York* aforesaid, shall be held good and valid to all Intents and Purposes so far as relates to the Recording of the same. Governor with advice of council to appoint a Regiſter of Deeds during the Term of five years.

*And be it further enacted*, That the Method and Proceedings directed to by Law for chooſing a County Treasurer, also for the bringing forward and trying any Actions, Causes, Pleas or Suits both Civil and Criminal in the several Counties of this Province, and Courts of Judicature within the same, and for County Treasurer, &c. as in other Counties.

choosing of Jurors to serve at the several Courts of Justice, shall be observed and put in Practice within the said County of *Lincoln*, and by the Courts of Justice within the same: Any Law, Usage or Custom to the contrary notwithstanding.

Matters cognizable in the County of *York*.

*And be it further enacted*, That all Writs, Suits, Plaints, Processes, Appeals, Reviews and Recognizances, and any other Matters or Things which now are, or at any Time before the aforesaid first Day of *November* One Thousand seven Hundred and sixty, shall be depending in any Court within the County of *York*; and all Matters and Things which now are, or at any Time before the said first Day of *November* aforesaid, shall be depending before the Judge of Probate for the said County of *York*, shall be heard, tried, proceeded upon and determined at such Time and Place, and in such Manner as they would have been if this Act had not been made.

Deeds Registred in the County of *York* before a Register is appointed held good

*And be it further enacted*, That nothing in this Act contained, shall be construed to disannul, defeat or make void any Deeds or Conveyances of Land, lying in either of the new Counties aforesaid, which are or shall be, before the Establishment of a Register in each County respectively Recorded in the Register's Office of the County of *York* aforesaid; but all such Deeds and Conveyances so Recorded shall be held as good and valid as they would have been in Case this Act had not been made.

County Taxes held good.

*And be it further enacted*, That the Inhabitants of the several Towns and Districts within the Counties aforesaid, shall pay their Proportion of all County Rates or Taxes already granted and made, in the same Manner as they would have done if this Act had not been made.

---

# An Act,

Passed by the Great and General Court or Assembly of his Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and held at *Boston*, upon Wednesday the twenty-eighth Day of *May*, 1760. And from thence continued by Prorogations to Wednesday the seventeenth Day of *December* following, and then met.

---

## CHAP. I.

## An Act for Repealing the several Laws now in Force which relate to the Observation of the Lord's-Day, and for making more effectual Provision for the due Observation thereof.

Preamble.

*WHEREAS by Reason of different Constructions of the several Laws now in Force, relating to the Observation of the Lord's-Day, or Christian Sabbath, the said Laws have not been duly executed; and notwithstanding the pious Intention of the Legislators, the Lord's-Day hath been greatly and frequently prophaned*: Therefore,

Acts and Clauses of Acts relating to the Sabbath repealed.

*Be it enacted by the Governor, Council and House of Representatives*, That the several Laws, and the several Paragraphs and Clauses of all and every the Laws of this Province, enforcing, or any Ways relating to the due Observation of the Lord's-Day, so far as they relate thereto, be and hereby are repealed, and declared null and void.

Preamble.

*And whereas it is the Duty of all Persons, upon the Lord's-Day, carefully to apply themselves, publickly and privately to Religion and Piety, the Prophanation of the Lord's-Day is highly offensive to Almighty God; of evil Example, and tends to the Grief and Disturbance of all pious and religiously disposed Persons*:

Therefore,

Therefore, that the Prophanation of the ſaid Day may be fully prevented;

Buſineſs and Diverſions prohibited on the Lord's Day.—— *Be it further enacted*, That no Perſon whatſoever ſhall keep open their Shops, Ware-Houſes or Work-Houſes, nor ſhall upon the Land or Water, do or exerciſe any Labor, Buſineſs or Work of their ordinary Calling, nor any Sport, Game, Play or Recreation, on the Lord's Day, or any Part thereof, (Works of Neceſſity and Charity only excepted) upon Pain that every Perſon ſo offending, ſhall forfeit and pay a Sum not exceeding *twenty Shillings*, nor leſs than *ten Shillings*.

Travelling prohibited. *And be it further enacted*, That no Traveller, Drover, Horſe-coarſer, Waggoner, Butcher, Highler, or any of their Servants ſhall Travel on the Lord's Day, nor any Part thereof, except by ſome adverſity, they ſhall have been belated, and forced to lodge in the Woods, Wilderneſs or High Ways the Night before, (and in ſuch Caſe it ſhall be lawful to travel no further on the Lord's Day, than to the next Inn or Houſe for Entertainment of Travellers) upon the Penalty of a Sum not exceeding *twenty Shillings*, nor leſs than *ten Shillings*.

Entertainment in publick Houſes prohibited *And be it further enacted*, That no Vintner, Retailer of ſtrong Liquors, Innholder or other Perſon, keeping a Houſe of publick Entertainment, ſhall entertain or ſuffer any of the Inhabitants of the reſpective Towns where they dwell or others, not being Travellers, Strangers or Lodgers in ſuch Houſes, to abide or remain in their Houſes, Yards, Orchards or Fields, drinking or ſpending their Time, either idly, at Play, or doing any ſecular Buſineſs, on the Lord's Day, or any Part thereof, on Penalty of *ten Shillings*, payable by ſuch Vintner, Innholder, or Perſon keeping ſuch Houſe of Entertainment, for each Perſon ſo entertained or ſuffered, and every Perſon ſo drinking or abiding, except as aforeſaid, ſhall forfeit a Sum not exceeding *ten Shillings* nor leſs than *five Shillings*; and every ſuch licenced Perſon upon every Conviction after the firſt, ſhall forfeit *twenty Shillings*, and having been three Times convicted, ſhall be debarred renewing ſuch his Licence ever after.

Unneceſſary walkings &c. prohibited. *And be it further enacted*, That if any Perſon or Perſons ſhall be recreating, diſporting or unneceſſarily walking or loitering, or if any Perſons ſhall unneceſſarily aſſemble themſelves in any of the Streets, Lanes, Wharves, High-Ways, Commons, Fields, Paſtures or Orchards of any Town or Place within this Province upon the Lord's-Day, or any Part thereof, every Perſon ſo offending ſhall forfeit and pay the Sum of *five Shillings*, and upon every Conviction after the firſt, ſhall be bound to their good Behavior.

Abſence from publick Worſhip. *And be it further enacted*, That if any Perſon being able of Body, and not otherwiſe neceſſarily prevented, ſhall for the ſpace of one Month together abſent themſelves from the publick Worſhip of God on the Lord's-Day, they ſhall forfeit and pay the Sum of *ten Shillings*.

*Provided always*, That if upon Trial it ſhall appear that any Perſon ſo charged, had good and ſufficient Excuſe for their Abſence, ſuch Perſon ſhall be diſmiſſed without Coſts.

Funerals regulated. *And be it further enacted*, That no Sexton, Grave-digger, Porter or Bearer, ſhall be aſſiſting at the Funeral of any Perſon on the Lord's-Day, or any Part thereof; and no Perſons ſhall toll any Bell for ſuch Funeral, unleſs Licence be given by a Juſtice of Peace, and when in any Town or Diſtrict where no Juſtice of the Peace dwells, ſuch Licence be granted by one or more of the Select-men of the Town or Diſtrict, on Penalty of *twenty Shillings*, to be paid by each and every Perſon ſo offending, and no Juſtice or Select-Men ſhall grant any Licence, except in Caſes of Neceſſity only; and being in the Town of *Boſton*, with this expreſs Proviſo, that ſuch Perſon ſo buried be not carried to the Grave until one Hour after Sun-ſet.

Preamble. *And whereas many Perſons are of the Opinion, that the Sabbath or Time of religious Reſt, begins on Saturday Evening; therefore to prevent all unneceſſary Diſturbance of Perſons of ſuch Opinion, as well as to encourage in all others, a due and ſeaſonable Preparation for the religious Duties of the Lord's-Day:*

*Be*

Buſineſs and Diverſion on Saturday Evening

*Be it further enacted*, That no Perſon ſhall keep open any Shop, Ware-Houſe or Work-Houſe, or hawk or ſell any Proviſions or Wares in the Streets or Lanes of any Town or Diſtrict, or be preſent at any Concert of Muſick, Dancing or other publick Diverſion, on the Evening next preceeding the Lord's-Day, on Pain of forfeiting *ten Shillings*, for each Offence; and no Retailer, Innholder, or Perſon licenced to keep a publick Houſe ſhall entertain or ſuffer to remain, or be in their Houſes, or Yards, or other Places appurtenant, any Perſon or Perſons (Travellers, Strangers or Lodgers excepted) drinking or ſpending their Time on the ſaid Evening, on Penalty of *ten Shillings* for each Offence.

*And in Order to the more effectual carrying this Act into Execution:*

Wardens to be appointed.

*Be it further enacted*, That each Town and Diſtrict within this Province, ſhall at the Time of chuſing Town and Diſtrict Officers, annually and every Year chuſe certain Perſons, being of good Subſtance, and of ſober Life and Converſation, to be Wardens of ſuch Town or Diſtrict, of which Officers the Town of *Boſton* ſhall chuſe twelve, *viz.* one for each Ward in ſaid Town, and every other Town or Diſtrict ſhall chuſe any Number, not leſs than two, and not exceeding ſix; and all ſuch Wardens ſhall be under Oath, faithfully to do the Duty of their Office, as required by Law; and if any Perſon or Perſons ſhall refuſe or neglect to take ſuch Oath, or to ſerve in ſuch Office, every ſuch Perſon in the Town of *Boſton*, ſhall be liable to the Penalty of *ten Pounds*; and in any other Town or Diſtrict, to the Penalty of *five Pounds*; and every Town or Diſtrict ſhall forthwith proceed to the Choice of other or others, in the Room of any Perſon or Perſons ſo refuſing or neglecting, and ſo *toties quoties*.

Penalty for not ſerving,

And if any Perſon or Perſons ſo refuſing or neglecting, ſhall not pay to the Treaſurer of ſuch Town or Diſtrict the Fine or Penalty aforeſaid, he ſhall as ſoon as may be, be convened before the Court of Seſſions for the County, and upon Certificate under the Hand of the Town Clerk, that ſuch Perſon was legally choſen to the Office of Warden, unleſs ſome juſt Cauſe ſhall be made to appear to the ſaid Court of Seſſions, to excuſe the Perſon ſo choſe from ſerving, the Juſtices ſhall order a Warrant to be ſigned by the Clerk of the Peace, directed to any Conſtable or Conſtables of ſuch Town or Diſtrict, to levy the ſaid Fine by Diſtreſs and ſale of ſuch Offenders Goods, returning the Overplus, if any there be. And the Fine or Penalty ſo levied or paid, ſhall be delivered to the Overſeers of the Poor, or Select-Men, for the Uſe of the Poor of ſuch Town. And if the Town of *Boſton*, ſhall neglect the due Obſervance of this Act, and ſhall not chuſe in Manner as required, ſuch Officers, the ſaid Town ſhall incur the Penalty of *one Hundred Pounds*; and any other Town or Diſtrict ſo neglecting, ſhall incur the Penalty of *Fifty Pounds*, upon every Conviction of ſuch Neglect, before the Court of Seſſions, for the County wherein ſuch Town or Diſtrict ſhall be, to be levied by Warrant from the ſaid Court, in Proportion upon the Inhabitants as publick Charges are levied, and to be paid into the County Treaſury.

Penalty on Towns for not chooſing.

Wardens Duty.

*And be it further enacted*, That the Perſons ſo choſen and ſerving as Wardens, ſhall be held and obliged to enquire into, obſerve and inform of all Offences againſt this Act; and every ſuch Warden is hereby authorized and impowered to enter into any of the Rooms and other Parts of any Inn or publick Houſe of Entertainment, on the Lord's Day and the Evening preceeding; and if ſuch Entrance ſhall be refuſed to any Warden, the Landlord or the licenced Perſon ſhall forfeit the Sum of *forty Shillings*, for each and every Offence. And the ſaid Wardens are hereby further authorized and impowered within their reſpective Towns or Diſtricts, to examine all Perſons ſuſpected as unneceſſarily travelling on the Lord's-Day, and to demand of all ſuch Perſons the Cauſe thereof, together with their Names, and Places of Abode; and if ſuch Perſons ſhall refuſe to make anſwer to ſuch Demands, or ſhall not give Satisfaction to ſuch Warden or Wardens, that they are then employed in travelling

velling upon his Majesty's Service, or in the immediate Service of this Government, or shall not give such other Reason for their travelling upon the Lord's-Day, as shall satisfy such Wardens of the Necessity thereof, such Wardens shall return the Names of all such Persons as they shall know or can obtain the Names of, to one of his Majesty's Justices of the Peace, and such Justice shall proceed to Trial of the Offence, if the Offender shall be within the County, or otherwise such Warden shall return the Names of such Persons, and the Offence to the Grand-Jury, for their Consideration and Proceeding thereon. And if any Person shall wilfully give false Answer to any such Demand of any Warden, every Person so offending shall forfeit *five Pounds*, for each and every Offence. And any two Justices of the Peace, *Quorum Unus*, for any County, where such Person shall be found, shall have full Power and Authority to enquire into, try and determine such Offence.

Duty of Wardens in *Boston*.

*And be it further enacted*, That the Wardens of the Town of *Boston*, shall upon every Lord's-Day (except in Times of Rain, Snow, tempestuous Wind or extreme Cold) and in such Part and Parts of the Day as they shall judge most proper to prevent the Prophanation thereof, go through or inspect the Streets, Lanes, Wharves and other Parts of their respective Wards; and any one of said Wardens may likewise, as Occasion may require, inspect the Ward of any other Warden, and they are hereby authorized and impowered to demand the Names and Places of Abode of any Persons whom they shall suppose or suspect to be unnecessarily Abroad, and the Cause or Reason thereof: And if such Person or Persons shall not give a satisfactory Answer, such Warden or Wardens shall require them, or either of them forthwith to repair to their Places of Abode or Lodging; and if any Person shall refuse to give such Answer, or shall answer falsely, or shall refuse or neglect forthwith to repair, when required to such their Places of Abode or Lodging, and that by the usual and most direct Streets or Ways, the Warden shall upon the next Day, or as soon after as may be, make information of such Offenders to one of his Majesty's Justices of the Peace for the County, and such Justice shall cause such Persons to be convened before him, and shall try and determine such Offence.

Wardens Oath Sufficient Evidence.

*And be it further enacted*, That the Oath of any Warden shall be deemed full and sufficient Evidence in any Trial for any Offence against this Act, unless in the Judgment of the Court or Justice the same shall be invalidated by other Evidence that may be produced.

Priviledge of Wardens.

*And be it further enacted*, That no Person exempt from serving as a Grand-Jury-Man, shall be liable to any Penalty for not serving as Warden, any Thing in this Act to the contrary notwithstanding; and no Person shall be held and obliged to serve in the said Office of Warden more than once in five Years, and no Warden during the Year of Service shall be liable to any Military Duties, except in Case of an Alarm or Invasion, nor shall be liable to serve during such Time as Juror, or in any other Office of Burthen. And every Warden when in the Execution of his Office, shall carry with him a white Wand, not less than seven Feet in length, as a Badge of his Office, and may command Assistance when he shall judge it necessary; and any Person refusing or neglecting to be so aiding and assisting shall forfeit and pay the Sum of *forty Shillings*.

Parents and Guardians liable for fine.

*And be it further enacted*, That the Parents of any Children under Age, and the Guardians of any Minors, and the Masters of Servants who shall have no Parents nor Guardians, shall be respectively liable for the Fines of their Children, Wards or Servants, who shall be convicted of any Offence against this Act.

Persons not paying Fines, Subject to Imprisonment.

*And be it further enacted*, That in Case any Person, that shall be convicted of prophaning the Lord's-Day or Christian Sabbath, in any of the Instances mentioned in this Act, shall not immediately pay the Sum or Sums by him forfeited as aforesaid, he shall be punished, by being committed to the common Goal of the County, there to remain not exceeding ten Days, nor less than five Days.

Other Civil Officers to take Notice of Breaches of this Act.

*And be it further enacted*, That notwithstanding the special Provision made by this Act for preventing the Breaches thereof, any Justice of Peace may upon Inspection, convict any Person, and such special Provision shall not be construed or understood, to exempt any Sheriff, Grand-Jurors, Tithing-men, Constables or other Officers, or Persons whatsoever, from any Obligation or Duty, to cause this Act to be put in Execution, but they shall be held to take due Notice of, and prosecute all Breaches thereof, such special Provision notwithstanding.

Act to be read at *March* Meeting annually.

And this Act shall be read in every Town and District by the Town or District Clerk, at the *March* Meeting every Year, and immediately before the Choice of Wardens; and any Town or District Clerk neglecting to read the same, shall forfeit the Sum of *twenty Shillings*.

## An Act,

Note, this Act was omitted in its proper place. *Page* 146.

Passed by the Great and General Court or Assembly of his Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and held at *Boston*, upon Wednesday the twenty-sixth Day of *May*, 1703. And continued by Adjournment and Prorogations until Wednesday the twenty-seventh of *October* following, and then met.

## CHAP. VI.

## An Act Relating to Appeals from Judgment in Bar or Abatement.

All Pleas in Bar or Abatement to be made originally in the Inferior Court

*BE it enacted by his Excellency the Governor, Council and Representatives in General Court assembled, and by the Authority of the same*, That all Pleas in Bar or Abatement shall be made originally in the Inferior Court, in Suits there brought, and at the first bringing forward thereof, before any issuable Plea made. And when a Writ shall by Judgment of Court be bar'd or abated, and the Plaintiff or Demandant appeals from such Judgment to the Superior Court of Judicature; if upon hearing the Appeal, the Superior Court, notwithstanding the Pleas made in Bar or Abatement, adjudge the Writ to be good and well brought, they shall reverse the Judgment of the Inferior Court, and award to the Appellant his full Costs at both Courts: And the next Session of the Inferior Court holden for the same County, shall proceed to Trial of the Merit of the Cause upon the same Writ, without any Delay, a new entry thereof being made.

Upon Reversal of Judgment in Bar or Abatement, the Cause to be sent down to the Inferiour Court.

Goods, Estate and Bail to stand good.

And all Goods and Estate Attached, and Sureties or Bail given, shall continue and be alike responsable in Manner as is by Law provided, to satisfy the principal Judgment upon such Trial, as if no intermediate Judgment had been rendered or given.

The like Rule for Appeals from a Justice.

And the same Rule and Method of proceeding to be observed in Appeals to be made from the Judgment in Bar or Abatement given by any Justice of the Peace, to the Inferior Court of Common Pleas: Any Law, Usage or Custom to the contrary notwithstanding.

Saving.

*Saving always*, That in Suits wherein the Queen is concerned, upon the Superior Court's Reversal of any Judgment given in Bar or Abatement, the said Court shall proceed to try the Cause.

# An Act,

Paſſed by the Great and General Court or Aſſembly of his Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*: Begun and held at *Boſton*, upon Wedneſday the twenty-eighth Day of *May*, 1760. And continued by Prorogations until Wedneſday the twenty-fifth of *March* following, and then met.

## CHAP. II.

An Act in Addition to and for amending ſome Clauſes in an Act made and paſſed in the laſt Seſſion of this Court Intituled, *An Act for Repealing the ſeveral Laws in Force which relate to the Obſervation of the Lord's-Day, and for making more effectual Proviſion for the Obſervation thereof.*

Preamble.

*WHEREAS in and by the ſaid Act, the Wardens thereby directed to be choſen are authorized and impowered within their reſpective Towns and Diſtricts to examine all Perſons they ſhall ſuſpect as unneceſſarily travelling on the Lord's-Day, and to demand of all ſuch Perſons the Cauſe thereof; together with their Names and Places of Abode; but no Power is in ſaid Act ſpecially given to thoſe Wardens to ſtop ſuch travelling Perſons in Order for ſuch Examination; whereby the good Intent of that Act may be eaſily evaded, and ſuch Examination rendered impracticable:*

Wherefore,

Wardens impowered.

Be it enacted by the Governor, Council and Houſe of Repreſentatives, That it ſhall be in the Power of each and every Warden, and Wardens that have already been choſen, or that may hereafter be choſen, in Conſequence of ſaid Act, either by himſelf or with ſuch Aſſiſtance as he ſhall judge needful to take or call to his Aid, forceably to ſtop and detain any Perſon or Perſons he ſhall ſuſpect of unneceſſarily travelling as aforeſaid, for and during ſuch Space of Time as ſhall be neceſſary for demanding the Cauſe or Reaſon of ſuch Perſon's travelling, his Name and Place of Abode, and receiving the Anſwers to ſuch Demands; and every Perſon examined by any Warden or Wardens in Conſequence of this or the foregoing Act, that ſhall refuſe or neglect to give direct Anſwers, ſhall on Conviction of ſuch his Refuſal or Neglect forfeit and

Penalty on Offenders.

pay the Sum of *Five Pounds*, and may be profecuted and tried in the ſame Manner as is already provided in ſaid Act for giving a falſe Anſwer: And every Perſon who ſhall be required to Aſſiſt and give Aid to any Warden, that ſhall refuſe or neglect ſo to do, ſhall for every ſuch Offence forfeit and pay the Sum of *Forty Shillings*, unleſs ſuch Perſon or Perſons ſo refuſing or neglecting, ſhall make reaſonable Excuſes to the Acceptance of the Court or Juſtice before whom they ſhall be tried.

Juſtices to try in certain Caſes.

**And be it further enacted**, That all Offences againſt this or the before mentioned Act, may be heard and determined before any of his Majeſty's Juſtices of the Peace in their reſpective Counties, where the Fine does not exceed the Sum of *Forty Shillings*. All Fines and Forfeitures ariſing by this or by the before mentioned Act, and not therein otherwiſe diſpoſed of, ſhall be applied towards the Support of the Poor in the Town or Diſtrict where the Offence ſhall be committed.

Diſpoſal of Fines.

## CHAP. III.

## An Act in Addition to an Act made and paſſed in the thirty third Year of his late Majeſty King GEORGE the ſecond, Intituled *An Act for erecting and eſtabliſhing two new Counties in the Eaſterly Part of the County of* York.

Preamble.

*WHEREAS in and by an Act made and paſſed in the thirty third Year of the Reign of his late Majeſty King GEORGE the ſecond, Intituled* An Act for erecting and eſtabliſhing two new Counties in the Eaſterly Part of the County of *York; It is among other Things enacted and provided as follows*, viz. *That "all Appeals from any Judgment or Judgments given at any Court of General Seſſions, and at any Inferior Court of Common Pleas within the ſaid County of* Lincoln, *ſhall be heard and tried at the Superior Court of Judicature to be held yearly at* Falmouth, *as aforeſaid." And whereas the ſaid Proviſion is inſufficient to give Juriſdiction to the ſaid Superior Court held at* Falmouth *in other Matters and Things neceſſary to be tried and determined by ſaid Court:*

Superior Court at *Falmouth* to have Juriſdiction in certain Caſes.

**Be it therefore enacted by the Governor, Council and Houſe of Repreſentatives**, That the Superior Court of Judicature Court of Aſſize and General Goal Delivery to be held at *Falmouth*, in and for the County of *Cumberland*, ſhall have from Time to Time, and at all Times hereafter, the ſame Juriſdiction Power and Authority for the Trial of all Actions Civil or Criminal, the Cauſe whereof has ariſen or ſhall ariſe within the Body of the County of *Lincoln*, as alſo to hear and determine all other Matters and Things ariſen or which ſhall ariſe within the Body of the ſaid County of *Lincoln*, as the ſaid Superior Court by Law would have, if the Cauſe of ſuch Actions and ſuch Matters and Things had ariſen within the Body of the ſaid County of *Cumberland*.

Jurors to be ſummoned.

**And be it further enacted**. That the Grand-Jurors and Petit-Jurors ſerving at the Superior Court of Judicature, Court of Aſſize and General Goal Delivery, to be holden at *Falmouth*, ſhall from Time to Time be choſen and ſummoned, in ſuch Manner as the Law directs, for the Choice and Summons of Grand and Petit-Jurors out of the ſeveral Towns within the ſaid Counties of *Cumberland* and *Lincoln*.

Preamble.

*And whereas the Select-Men of ſeveral Towns within the ſaid Counties of* Cumberland *and* Lincoln, *may have neglected or omitted preparing a Liſt of Perſons liable to ſerve on the Petit-Jury, before the tenth Day of* April 1760. *in Manner as the Law directs:*

Select-Men to take Lists.

**Be it therefore further enacted**. That the Select-Men of every Town and Diſtrict within the ſaid Counties of *Cumberland* and *Lincoln*, ſo neglecting

or

or omitting, shall sometime in the Month of *April* this present Year, take a List of such Persons as are qualified and liable by Law within such Towns and Districts respectively, to serve on Petit Juries, to be laid before such respective Towns and Districts sometime before the first Tuesday of *May* next following, at a publick Town-Meeting; and such Towns and Districts shall proceed to determine upon said Lists in like Manner as such Towns or Districts might and would have done by Law if such List had been prepared and presented before the said tenth Day of *April* 1760. Any Law, Usage or Custom to the contrary notwithstanding.

Justices &c. to grant Licences.

And be it further enacted, That the Justices of the Courts of General Sessions of the Peace for the aforesaid Counties of *Cumberland* and *Lincoln*, shall be and they hereby are impowered to grant Licences to and to take Recognizances from Innholders and Retailers of strong Drink within the respective Counties at the next Courts of General Sessions to be holden for such Counties respectively, such Licences to continue until the first Courts of General Sessions which shall be held and kept in Course for such Counties respectively next after the twenty ninth Day of *June*, which shall be in the Year 1762. Any Law, Usage or Custom to the contrary notwithstanding.

## CHAP. IV.

## An Act for dividing the County of *Hampshire*, and for erecting and establishing a new County in the Westerly Part of the County of *Hampshire*, to be called the County of *Berkshire*; and for establishing Courts of Justice within the same.

Preamble.

WHEREAS *the great Extent of the County of* Hampshire, *makes it convenient and necessary, that there should be a new County erected and established in the Westerly Part thereof:*

Lands comprised in the County of *Berkshire*.

Be it therefore enacted by the Governor, Council and House of Representatives, That the Towns and Plantations herein after mentioned, *That is to say, Sheffield, Stockbridge, Egremont, New-Marlborough, Poontoosuck, New-Framingham, West-Hoosuck, Number-One, Number-Three,* and *Number-Four*, and all other Lands included in the following Limits, *viz.* Beginning at the Western-Line of *Granvill*, where it touches *Connecticut*-Line, to run Northerly as far as said West Line of *Granvill* runs; thence Easterly to the South-West Corner of *Blandford*, and to run by the West-Line of the same Town, to the North-West Corner thereof; from thence Northerly in a direct Line to the South-East Corner of *Number-Four*, and so running by the Easterly Line of said *Number-Four*, to the North-East Corner thereof; and thence in a direct Course to the South-West Corner of *Charlemont*, and so Northerly in the Course of the West Line of the same Town 'till it comes to the North Bound of the Province, and Northerly on the Line between this Province and the Province of *New-Hampshire*, Southerly on *Connecticut* Line, and on the West by the utmost Limits of this Province; shall from and after the thirtieth Day of *June*, One Thousand seven Hundred and sixty-one, be and remain one intire and distinct County by the Name of *Berkshire*, of which *Sheffield* for the present to be the County or Shire Town; and the said County to have, use and enjoy all such Powers, Priviledges and Immunities as by Law other Counties in this Province have and do enjoy.

Inferiour Courts, &c. where and when to be held.

And be it further enacted, That there shall be held and kept within the said County of *Berkshire*, yearly and in every Year, at the Times and Places in this Act hereafter expressed, a Court of General Sessions of the Peace, and an Inferiour Court of Common Pleas, *viz.* at the North Parish in *Sheffield*, on the last Tuesday of *April*, and first Tuesday of *September*; and at *Poontoosuck*, on the first

first Tuesday of *December*, and the first Tuesday of *March*, yearly and in every Year until this Court shall otherwise order. And the Justices of the said Court of General Sessions of the Peace, and Inferiour Court of Common Pleas respectively, who are, or shall be thereunto lawfully commissioned and appointed, shall have, hold, use, exercise and enjoy all and singular the Powers which are by Law already given and granted unto them within any other Counties of the Province where a Court of General Sessions of the Peace, and Inferiour Court of Common Pleas are already established: And the Inhabitants of said County of *Berkshire*, shall have, use, exercise and enjoy all such Powers, Priviledges and Immunities as by Law the Inhabitants of any other County within this Province, have, use, exercise and enjoy.

Saving.

*Saving only*, That all Appeals from any Judgment or Judgments given at any Court of General Sessions of the Peace, and at any Inferiour Court of Common Pleas within the said County of *Berkshire*, shall be heard and tried at the Superiour Court of Judicature, to be held yearly in the County of *Hampshire*.

Superiour Court to be held in *Hampshire*.

**And be it further enacted**, That the Superiour Court of Judicature, Court of Assize and General Goal Delivery, to be held in and for the County of *Hampshire*, shall have from Time to Time, and at all Times hereafter until the further Order of this Court, the same Jurisdiction, Power and Authority for the Trial of all Actions, Civil or Criminal, the Cause whereof has arisen or shall arise within the Body of the County of *Berkshire*, as also to hear and determine all other Matters and Things arisen or which shall arise within the Body of the said County of *Berkshire*, as the said Superiour Court by Law would have if the Cause of such Actions and such Matters and Things had arisen within the Body of the County of *Hampshire*.

Jurors where to be taken.

**And be it further enacted**, That the Grand-Jurors and Petit-Jurors serving at the Superiour Court of Judicature, Court of Assize and General Goal Delivery, to be holden within and for the County of *Hampshire*, shall from Time to Time be chosen and summoned in such Manner as the Law directs for the Choice and Summons of Grand and Petit-Jurors, out of the several Towns within the said Counties of *Hampshire*, and *Berkshire*.

Proviso.

*Provided*, That all Writs, Suits, Plaints, Processes, Appeals, Reviews, Recognizances or any other Matters and Things, which now are, or at any Time before the said thirtieth Day of *June*, shall be depending in the Law within any Part of the said County of *Berkshire*: And also all Matters and Things which now are, or at any Time before said thirtieth Day of *June*, shall be depending before the Judge of Probate within any Part of the said County of *Berkshire*, shall be heard, tried, proceeded upon and determined upon in the County of *Hampshire*, where the same are or shall be returnable or depending, or shall have Day or Days.

Proviso.

*Provided also*, That nothing in this Act contained, shall be construed to disannul, defeat or make void any Deeds or Conveyances of Lands lying in the said County of *Berkshire*, where the same are or shall be, before the said thirtieth Day of *June*, recorded in the Register's Office for the County of *Hampshire*; but that all such Deeds or Conveyances so recorded, shall be held good and valid as they would have been, had not this Act been made.

Register of Deeds to be appointed.

**And be it further enacted**, That the Justices of the Court of General Sessions of the Peace at their first Meeting in the said County of *Berkshire*, shall have full Power and Authority to appoint some meet Person within the said County of *Berkshire*, to be Register of Deeds and Conveyances within the same, who shall be sworn to the faithful Discharge of his Trust in the said Office; and shall continue to hold and exercise the same according to the Directions of the Law, until some Person be elected by the Freeholders of the said County of *Berkshire*, who are hereby impowered to chuse such Person at their first *March* Meeting within their respective Towns and Districts, in the Method already by Law prescribed; which Person taking upon him that Trust, shall be sworn to the faithful Discharge thereof; and the Office of Register of Deeds

shall

ſhall be kept in the North Pariſh of *Sheffield* aforeſaid; and until ſuch Regiſter ſhall be appointed by the ſaid Juſtices and ſworn, all Deeds and Conveyances of Lands lying within any Part of ſaid County of *Berkſhire*, being Recorded in the Regiſter's Office in the County of *Hampſhire* aforeſaid, ſhall be held good and valid to all Intents and Purpoſes ſo far as relates to the Record of them.

Rules for Proceedings as in other Caſes.

And be it further enacted, That the Method and Proceedings directed to by Law for chuſing a Regiſter of Deeds and Conveyances, and the County Treaſurer, (which laſt mentioned Officer ſhall be choſen and appointed in Manner as the Law directs, at the next *March* Meeting of the Freeholders aforeſaid) alſo for the bringing forward and trying any Actions, Cauſes, Pleas or Suits, both Civil and Criminal, in the ſeveral Counties of this Province, and Courts of Judicature within the ſame, and for chuſing Jurors to ſerve at the ſeveral Courts of Juſtice, ſhall be obſerved and put in Practice within the ſaid County of *Berkſhire*, and by the Courts of Juſtice within the ſame.

Proviſo.

*Provided always*, That the Inhabitants of the ſeveral Towns and Places herein before enumerated, and ſet off a diſtinct County, ſhall pay their Proportion to any County Rates or Taxes already made and granted, in the ſame Manner as they would have done had not this Act been made.

## CHAP. V.

## An Act in Addition to an Act made and paſſed in the thirty-third Year of the Reign of his Majeſty King GEORGE the Second, Intituled *An Act for the better Regulating that Part of the Town of* Boſton, *which was laid Waſte by the late Fire, and for preventing Fire in that Town for the future.*

Preamble.

*WHEREAS in and by an Act intituled, "An Act for the better Re- "building that Part of the Town of* Boſton, *which was laid Waſte "by the late Fire, and for preventing Fire in that Town for the "future," it is among other Things, enacted, That the Proceedings of the Committee (appointed by this Court for the Regulating the Streets in that Part of the Town which was ſo laid Waſte) ſhould be confirmed; but in as much as it is judged more Convenient, and leſs Expenſive to the Town of* Boſton, *That* Leverett's-*Street, and* Purchaſe-*Street, ſhould be alter'd and laid out in Manner as hereafter is deſcribed:*

*Leverett-Street.*

Be it therefore enacted by his Excellency the Governor, Council and Houſe of Repreſentatives, That the Street that has been determined to be laid out between *Water-Street*, and *Milk-Street*, in the Direction of *Leverett-Street*, ſhall begin on the Weſt Side at a Point on the Southerly Side of *Water-Street*, ranging with the Northerly End of Capt. *James Dalton*'s Houſe, at the Diſtance of fifty two Feet from the North-eaſt Corner of ſaid Houſe, toward the Eaſt, and from ſaid Point to run to *Milk-Street*, on a ſtrait Line, ſo as that ſaid Line being continued a-croſs *Milk-Street*, ſhall ſtrike the North Eaſt Corner of Mr. *Wheelwright*'s Brick Houſe, now in the Occupation of *Benjamin Faneuil*, Junr. which laſt mentioned Houſe is bounded Northerly on *Milk-Street*, and Eaſterly on *Atkinſon-Street*; the Eaſt Side of ſaid new Street to be parallel with the Line before deſcribed: And to be in all Parts thirty-five Feet diſtant therefrom. And as to *Purchaſe-Street*, (*viz.* The Northerly End thereof which opens into *Battery-March-Street*) it ſhall run as follows, *viz.* The Weſterly Side of ſaid *Purchaſe-Street*, to begin on the Southerly Side of *Battery-March-Street*, at a Point ſeventy Feet and three Inches diſtant from the North Eaſterly Corner of the Diſtill-Houſe of *Jacob Wendell*, Eſq; towards the Eaſt, and from ſaid Point to run Southerly on a ſtrait Line to the

*Purchaſe-Street.*

North Easterly Corner of *Alexander Hunt*'s Dwelling-House, which is as far as the late great Fire extended in that Quarter; and the Easterly Side of said *Purchase-Street*, to be parallel with the Westerly Side at thirty Feet Distance. Any Thing in the aforesaid Act (made in the thirty-third Year of his late Majesty) to the contrary notwithstanding. And the Damages and Advantages that may accrue to any Person or Persons by laying said Streets as aforesaid, shall be estimated by the Jury impannalled for that Purpose agreeable to the Directions of the Act last mentioned.

Preamble.

*And whereas some of the Jury lately summoned for the Purposes in said Act mentioned, may be unavoidably absent; and it may be doubted, whether the Commissioners named in said Act are by Virture of that Act authorized to fill up the said Jury: Now to Remedy that Inconvenience, and prevent any further Delay:*

Commissioners to fill up the Jury.

Be it further enacted, That when and so often as a Jury shall be summoned by *Samuel Danforth*, *Samuel Watts*, and *Joseph Williams*, Esqrs; (the Commissioners aforementioned) for the Purposes in said Act mentioned; and one or more of the said Jury shall be detained by Sickness, or otherwise unavoidably hindered attending upon the Business for which they were summoned, it shall be lawful for the said Commissioners or any two of them, to fill up and compleat the said Jury with other Persons, not being Inhabitants of the Town of *Boston*.

## CHAP. VI.

## An Act for erecting the new Plantation called *Pontoosuck* in the County of *Hampshire*, into a Town by the Name of *Pittsfield*.

Preamble.

*WHEREAS it hath been represented to this Court that the erecting the Plantation called* Pontoosuck *into a Township, will greatly contribute to the Growth thereof, and Remedy many Inconveniencies to which the Inhabitants and Proprietors may be otherwise subjected:*

Bounds of the Town.

Be it enacted by the Governor, Council and House of Representatives, That the Plantation aforesaid, bounded as follows, *viz.* North on *New-Framingham* so called, East partly on *Ashuelot-Equivalent*, and partly on Unappropriated Lands, South and West on Unappropriated Lands, be and hereby is erected into a Town, by the Name of *Pittsfield*: And that the Inhabitants thereof be and hereby are invested with all the Powers, Priviledges and Immunities which the Inhabitants of the Towns within this Province do enjoy. *Saving*, That the said Town shall not have Liberty to send a Representative to the General Court until the General Election in *May*, 1763.

Town Meeting to be warned.

And be it further enacted, That *William Williams*, Esq; be and hereby is impowered to issue his Warrant directed to some principal Inhabitant in said Town, to notify and warn the Inhabitants in said Town qualified by Law to vote in Town Affairs, to meet at such Time and Place as shall be therein set forth, to chuse all such Officers as are or shall be required by Law to manage the Affairs of said Town.

Proviso.

*Provided nevertheless*, That no Inhabitant of said Town or Proprietor in the same, excepting the Original Sixty settling Proprietors, or those who hold under them, shall be obliged to pay any Part or Proportion of the Charge towards building a Meeting-House, settling the first Minister, and the other Charges within said Town, which the said Original Proprietors were obliged to perform either according to the Tenor of their Grant, or to any Agreements already made by or among themselves.

Assessments to be in full force.

And be it further enacted, That all Assessments of Rates and Taxes agreed upon by said Original Proprietors shall be in full Force, and may be levied and collected in like Manner as if this Act had not been made.

CHAP.

## CHAP. VII.

An Act to enable the Executors of the last Will and Testament of Sir *William Pepperrell*, Baronet, deceased, and the other Proprietors of certain Tracts of Land in the Township of *Biddeford*, and *Scarborough*, to sue for any Trespasses committed upon said Tracts of Land, within five Years preceeding the present Session of this Court, in the present County of *York*.

Preamble.

*WHEREAS Sir* William Pepperrell, *Baronet, was in his Life-time and at the Time of his Decease, seized in Fee of divers Tracts of Land in the Townships of* Biddeford, *and* Scarborough, *and among others of a certain Tract commonly called the* Uppercheker of Foxwell's-Patent, *Part in Severalty, and Part in Common, and undivided with other Proprietors: And whereas it is alledged that there have been many Trespasses committed upon the Premises within a few Years past, and the County of* York, *has been lately divided into three Counties, and Part of the Premises may fall within the County of* Cumberland, *and many Difficulties are in the Way of prosecuting Suits for said alledged Trespasses, as the Law now stands; and for some of them it may be impossible to obtain Justice without the Aid of a special Act of this Province:*

Actions to be brought in the County of *York*.

Be it therefore enacted by the Governor, Council and House of Representatives, That any Action or Actions of Trespass for any Trespass or Trespasses committed within five Years preceeding the present Session of this Court, upon any Tracts of Land in the Towns of *Biddeford*, and *Scarborough*, or either of them, whereof the said Sir *William Pepperrell*, was at the Time of his Decease seized in Severalty or in Common, and undivided with other Proprietors, shall and may be prosecuted and maintained in the present County of *York*, by the Executrix of the last Will and Testament of the said Sir *William Pepperrell*, or the Guardians to the Heirs or Devisees of the said Sir *William Pepperrell*, where he was seized in Severalty, or jointly by them with others, where he was seized in Common and Undivided, in the same Manner to all Intents and Purposes as if there had been no Division of the late County of *York*.

*BOSTON: N. E.*

Printed by S. KNEELAND, by Order of his Excellency the GOVERNOR, COUNCIL and House of REPRESENTATIVES. 1761.

# Acts and Laws,

Passed by the Great and General Court or Assembly of his Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and held at *Boston*, upon Wednesday the twenty-seventh Day of *May*, 1761.

## CHAP. I.

### An Act making special Provision for the Settlement and Support of the Gospel Ministry in the Town of *Sudbury*.

Preamble.

*WHEREAS there are two distinct Societies for religious Worship of the Profession of the Churches in general of this Province, in the Town of* Sudbury; *and each of the said Societies being desirous of being authorized and impowered to contract with, and proceed to the Settlement of a Gospel Minister, when and so often as it shall be necessary, as fully as by Law they might do, if they were distinct Parishes:*

Inhabitants of the Town of *Sudbury* incorporated into distinct Societies as to the call and Settlement of a Gospel Minister for each Society &c.

Be it therefore enacted by the Governor, Council and House of Representatives, That such of the Inhabitants of the Town of *Sudbury* as usually attend the public Worship on the East Side of the River in said Town; and also such of the Inhabitants of said Town as usually attend the public Worship on the West Side of the said River, qualified to vote in Parish Affairs, be and hereby are so far incorporated into distinct and seperate Societies, as to be enabled from Time to Time (in Concurrence with the Act of the Church in such Societies respectively) to call, contract with and settle a Gospel Minister, or Ministers, for each Society respectively, in Manner and Form as the Ministers of the Churches of this Province are called, contracted with and settled; and such Calls, Contracts and Settlements shall be as valid and effectual to all Intents and Purposes, as if such Societies had been erected into distinct and seperate Parishes.

Provision when either Church is destitute of a Gospel Minister.

And be it further enacted, That when and so often as the East Church and Congregation, or the West Church and Congregation, shall be destitute of a Gospel Minister, the Deacons of the Church so destitute, may and shall notify the Inhabitants, qualified by Law to vote in Parish Affairs, where such destitute Church shall be, to meet on some certain Day, and at some certain Place; and said Inhabitants so notified and convened, are hereby authorized and impowered to choose a Moderator and Clerk to act and to do all such Matters and Things

as Parishes by Law may do towards settling a Minister as aforesaid, and by Adjournments to continue such Meetings from Time to Time, and so long as shall be necessary for the Purpose aforesaid; and the Assessors Collectors and other Town Officers of the Town of *Sudbury*, whom it may concern, are hereby impowered to assess, levy and collect all Rates and Taxes for the Support and Maintenance of such Ministers, from the Inhabitants of said Town of *Sudbury*, in Manner as if such Ministers had been chosen and contracted with by the said Town.

Assessors &c. impowered to assess, levy & collect Taxes for the Support of Ministers.

## CHAP. II.

## An Act for the better regulating Districts within this Province.

Preamble.

*WHEREAS it has been found expedient to erect Districts within this Province invested with the Powers Priviledges and Immunities of Towns (the Priviledge of sending a Representative to the General Assembly only excepted) and it being necessary that all such Districts should be subjected to all the Duties which Towns by Law are subjected to, and liable to all such Penalties for Neglect thereof as Towns by Law are liable to:*

Districts subjected to the Duties which Towns by Law are subjected to.

**Be it therefore enacted by the Governor, Council and House of Representatives,** That each and every the Districts within this Province shall be and hereby are subjected to all the Duties which Towns by Law are subjected to, and made liable to all the Penalties for Neglect or Failure therein, which Towns by Law are liable to, and shall to all Intents and Purposes be considered as Towns, the Priviledge and Duty of sending a Representative to the General Assembly only excepted.

## CHAP. III.

## An Act for Incorporating the Plantation called *Cold-Spring* into a Town by the Name of *Belcher's-Town*.

Preamble.

*WHEREAS the Inhabitants of the Plantation of* Cold-Spring *lying in the County of* Hampshire, *labour under many Difficulties and Inconveniencies by Means of their not being a Town:* Therefore,

The Plantation called *Cold-Spring*, erected into a Town by the Name of *Belcher's-Town*.

**Be it enacted by the Governor, Council and House of Representatives,** That the said Plantation commonly called and known by the Name of *Cold-Spring*, bounding Easterly on *Swift-River*, South on *Swift-River* partly, and partly on *Palmer*, Westerly partly on *Springfield*, and partly on *Hadley*, and North on *Pelham*; be and hereby is erected into a Town by the Name of *Belcher's-Town*; and that the said Town be and hereby is invested with all the Powers, Priviledges and Immunities that any of the Towns of this Province, do or may by Law enjoy, that of chusing and sending a Representative to the General Court only excepted.

*Eleazer Porter*, Esq; impowered to issue his Warrant for the Choice of Town Officers.

**And be it further enacted,** That *Eleazer Porter*, Esq; be and hereby is impowered to issue his Warrant to some principal Inhabitant of the said Plantation, requiring him in his Majesty's Name to warn and notify the said Inhabitants, qualified to vote in Town Affairs, that they meet together at such Time and Place in said Plantation as by said Warrant shall be appointed, to chuse such Officers as may be necessary to manage the Affairs of said Town; and the Inhabitants being so met shall be and hereby are impowered to chuse such Officers accordingly.

## CHAP. IV.

### An Act for erecting the Plantation called *Road-Town* in the County of *Hampshire*, into a Town by the Name of *Shutesbury*, and causing the Delinquent Settlers to fulfil the Conditions of their Grant.

The Plantation called *Road Town*, made a Town by the Name of *Shutesbury*.

BE it enacted by the Governor, Council and House of Representatives, That the said Plantation be and hereby is erected into a Town by the same Limits which are now the Boundaries of the said Plantation, by the Name of *Shutesbury*; and that the said Town be invested with all the Powers, Priviledges and Immunities that Towns in this Province do or may by Law enjoy, that of sending a Representative to the General Assembly only excepted.

*Eleazer Porter*, Esq; impowered to call a Meeting for the Choice of Town Officers.

And be it further enacted, That *Eleazer Porter*, Esq; be and hereby is impowered to issue his Warrant directed to some principal Inhabitant in said Town of *Shutesbury*, Requiring him to notify and warn the Inhabitants of the same Town, qualified by Law to vote in Town Meetings, to meet at such Time and Place as shall be therein set forth, to chuse all Town Officers which by Law Towns in this Province are impowered and enjoined to chuse.

Time allowed for fulfilling the Condition of Grants.

And be it further enacted, That those Persons to whom any Grant of Lands in the above named Plantation of *Road-Town* were made on Conditions of Settlement (who have hitherto neglected to fulfil the Conditions of said Grants) shall be allowed three Years more, to be reckoned from the first of *July* next, to perform the Conditions of their Grants, before the said Grants shall be forfeited for Non-performance of the Conditions thereof.

---

## CHAP. V.

### An Act for Incorporating the Plantation called *Colrain* into a Town by the Name of *Colrain*.

Preamble.

WHEREAS *the new Plantation of* Colrain *lying in the County of* Hampshire *is competently filled with Inhabitants, and labour under great Difficulties and Inconveniencies by Means of their not being a Town*:

Therefore,

Plantation called *Colrain*, erected into a Town by the Name of *Colrain*.

Be it enacted by the Governor, Council and House of Representatives, That the said new Plantation commonly called and known by the Name of *Colrain*, lying on the Northwest of *Deerfield* in the County of *Hampshire*, according to the Bounds by which it was established by the General Court, be and hereby is erected into a Town by the Name of *Colrain*; and that the said Town be, and hereby is invested with all the Powers, Priviledges and Immunities that any of the Towns of this Province do or may by Law enjoy, that of sending a Representative to the General Court only excepted.

Proviso.

*Provided*, That nothing in this Act shall be understood or so construed as in any Manner to supersede or make void any Order or Orders of this Court now in Force respecting the Method of making Assessments within said Plantation in Time past; but that the same shall remain and be as effectual as if this Act had not been made.

*Elijah Williams*, Esq; impowered to issue his Warrant for calling a Meeting for the Choice of Town Officers.

And be it further enacted, That *Elijah Williams*, Esq; be, and hereby is impowered to issue his Warrant to some principal Inhabitant of the said Plantation, requiring him in his Majesty's Name to warn and notify the said Inhabitants qualified to vote in Town Affairs, that they meet together at such Time and Place in said Plantation as by said Warrant shall be appointed to chuse such Officers as may be necessary to manage the Affairs of said Town, and the Inhabitants being so met, shall be and hereby are impowered to chuse such Officers accordingly.

CHAP.

## CHAP. VI.

### An Act for erecting the North Parish or Precinct in the Town of *Sheffield* into a separate Town by the Name of *Great-Barrington.*

The North Parish of *Sheffield* erected into a separate Town by the Name of *Great-Barrington.*

BE it enacted by the Governor, Council and House of Representatives, That the said North Parish or Precinct be and hereby is erected into a separate and distinct Town by the same Limits and Boundaries, which are now the Boundaries of the said Parish, by the Name of *Great-Barrington*; and that the said Town be invested with all the Powers, Priviledges and Immunities, that Towns in this Province do or may by Law enjoy, that of sending a Representative to the General Assembly only excepted; and that the said Town shall have full Liberty and Right, from Time to Time, to join with the Town of *Sheffield* in chusing a Representative to represent them at the General Assembly, who may be chosen indifferently out of either of the said Towns, and that the said Town of *Great-Barrington* shall from Time to Time be at their proportionable Part of the Expence of such Representative; and the Freeholders and other Inhabitants of *Great-Barrington* shall be notified of the Time and Place of Election with the Inhabitants of the Town of *Sheffield*, by a Warrant from the Select-Men of *Sheffield*, directed to the Constable of *Great-Barrington*, requiring him to warn them for that Purpose at the Time and Place by them assigned; which Warrants shall be duly served, and seasonably returned by said Constable of *Great-Barrington.*

Their Powers and Privileges.

Proviso.

*Provided nevertheless*, and be it further enacted, That the said Town of *Great-Barrington*, shall pay their Proportion of all Town County and Province Taxes already set on or granted to be raised by said Town of *Sheffield*, as if this Act had not been made.

*Joseph Dwight* Esq; impowered to issue his Warrant for calling a Meeting for the Choice of Town Officers.

And be it further enacted, That *Joseph Dwight*, Esquire, be and hereby is impowered to issue his Warrant directed to some principal Inhabitant in said Town of *Great-Barrington*, requiring him to notify and warn the Inhabitants of the same Town, qualified by Law to vote in Town Meetings, to meet at such Time and Place as shall be therein set forth, to chuse all Town Officers, which by Law Towns in this Province are impowered or enjoined to chuse.

Preamble.

*And whereas in and by an Act made and pass'd in the first Year of his present Majesty's Reign, erecting and establishing a new County in the Westerly Part of the County of* Hampshire, *by the Name of* Berkshire, *it is amongst other Things enacted, "That* Sheffield *for the present be the Shire Town of said County of* Berkshire, *and that the Office of Register of Deeds be kept in the North Parish in said* Sheffield, *and also that yearly and in every Year, there shall be held and kept a Court of General Sessions of the Peace, and an Inferior Court of Common Pleas, at the North Parish in* Sheffield, *on the last Tuesday of* April *and first Tuesday of* September": *Now to prevent any Difficulties that may arise:*

*Great-Barrington*, to be the Shire Town, &c.

Be it enacted, That the Town of *Great-Barrington* for the present shall be the Shire Town of said County of *Berkshire*, and the Register's Office be there kept, and that the Courts of General Sessions of the Peace and Inferiour Court of Common Pleas appointed to be held and kept at the North Parish in *Sheffield* aforesaid, be held and kept in the Town of *Great-Barrington* on the last Tuesday of *April* and first Tuesday of *September* annually; any Thing in the before-recited and mentioned Act to the contrary notwithstanding.

CHAP.

## CHAP. VII.

## An Act to invest the Committee of the second Precinct in *Rehoboth* with Corporate Powers for certain Purposes therein mentioned.

Preamble.

WHEREAS *the second Precinct in* Rehoboth *whereof the Reverend Mr.* Robert Rogerson *is the present Pastor, have humbly supplicated this Court, setting forth, that by the Sale of certain Lands they were by this Court impowered to sell, they have now the Sum of* Six Hundred Pounds, *and that by a voluntary Subscription among themselves they can raise the Sum of* Four Hundred Pounds *more*; *which Sums making together* One Thousand Pounds, *they pray may be placed at Interest, and the annual Interest for ever appropriated to the Support of a Congregational or Presbyterian Minister within said Precinct*:

Committee declared a Body corporate.

Be it therefore enacted by the Governor, Council and House of Representatives, That *Thomas Carpenter, Stephen Moulton, Ephraim Hunt, Daniel Bliss*, and *Nathanael Bliss*, the present Committee of the said Precinct, and those which shall be annually hereafter forever chosen by the said Precinct to the same Office, shall be and are hereby declared a Body corporate, by the Name of the *Trustees of the second Parish of* Rehoboth; and they are hereby incorporated to this special Purpose, *to wit*, when the said Sum of *One Thousand Pounds* shall be compleatly raised, to receive the same, and to let the same to Interest on good Security Real or Personal, as they or the major Part of them shall judge fit, and all Bonds Mortgages or other lawful Securities made to the said *Thomas Carpenter, Stephen Moulton, Ephraim Hunt, Daniel Bliss*, and *Nathanael Bliss*, or their Successors aforesaid, shall be understood to be valid, and they or their Successors, or the major Part of either of them by the incorporate Name aforesaid, may appear and plead, sue and defend in any Court within this Province in all Matters touching such Securities.

Trustees impowered to sue and defend.

Interest Money appropriated.

And be it further enacted, That the Interest annually arising from the said principal Sum shall be paid to a Minister of a Congregational Church resident and officiating in the Work of the Ministry within the Precinct forever: And if it shall ever hereafter happen that there shall be no Minister of a Congregational Church settled within the said Precinct for the space of one Year, in every such Case, the Interest arising shall be put out to Interest on new Security; and all such increased Capital shall be ordered and managed according to the Directions herein before given respecting the said principal Sum. And the said *Thomas Carpenter, Stephen Moulton, Ephraim Hunt, Daniel Bliss*, and *Nathanael Bliss*, and their Successors aforesaid, are hereby incorporated, impowered and directed with respect to the said increased Capital, as they are herein before with respect to the said Sum of *One Thousand Pounds*.

Precinct Committee confirmed in Case.

And be it further enacted, That if at any Time the said Precinct shall at the annual Season of the Year neglect to chuse a Precinct-Committee, the Commitee then last before chosen shall continue vested with all the Powers and Priviledges aforesaid until new ones be chosen.

To be accountable to the Precinct.

And be it further enacted, That the said Committee and their Successors, shall be accountable to the said Precinct, and may by them for any Misdemeanor in their Office aforesaid, be removed from their said Trust, and new ones appointed in their Stead.



*BOSTON: N. E.*

Printed by S. KNEELAND, by Order of his Excellency the GOVERNOR, COUNCIL and House of REPRESENTATIVES. 1761.

# Acts and Laws,

Passed by the Great and General Court or Assembly of his Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and held at *Boston*, upon Wednesday the twenty-sixth Day of *May*, 1756. And continued by sundry Prorogations to the sixth Day of *January* following, and then met.

*Note*, The three following Acts were omitted in their proper Place, *Page* 375.

## CHAP. I.

## An Act for altering the Times appointed for holding the Superiour Court of Judicature, &c. in the Counties of *Plymouth*, *Bristol* and *Barnstable*.

*WHEREAS the Times appointed by Law for holding the Superiour Court of Judicature, Court of Assize and General Goal Delivery, within the Counties of* Plymouth, Bristol *and* Barnstable, *are found to be inconvenient in Regard of the extream Heat of the Season, as well as in other Respects:* Preamble.

**Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives,** That for the future the Time for holding the Superiour Court of Judicature, Court of Assize and General Goal Delivery at *Plymouth*, within and for the County of *Plymouth*, shall be the last Tuesday in *April* annually: And that the Time for holding the said Court at *Barnstable*, for the Counties of *Barnstable* and *Dukes-County*, shall be the first Tuesday in *May* annually; and that the Time for holding the said Court at *Taunton*, within and for the County of *Bristol*, shall be the second Tuesday in *October* annually. Times for holding the Superiour Courts in the Counties of *Plymouth*, *Barnstable* & *Dukes-County*, and *Bristol*.

**And be it further enacted,** That all Writs and other Processes already issued, returnable to the said Court at the Days heretofore appointed for holding the same in the several Counties aforesaid, shall be returned: and all Matters depending at said Court, in either of said Counties, shall be proceeded on at the Days respectively appointed by this Act for holding the same: And all Officers and other Persons concerned, are required to conform themselves accordingly. All Processes relating thereto, to be tried at said Courts.

## CHAP. II.

## An Act in further Addition to an Act Intitled, *An Act for Regulating the Assize of Cask, and preventing Deceit in packing Fish, &c. for Sale*, made in the fourth Year of King *William* and Queen *Mary*.

Preamble. *GREAT Complaints having been made of Fraud in the Cask and Manner of packing Mackerel and other pickled Fish, notwithstanding the Provision heretofore made for preventing it:*

Therefore,

Assize of Cask. **Be it enacted by the Lieutenant-Governour, Council and House of Representatives**, That all Casks for pickled Fish shall be made of Staves which shall be well worked, twenty nine Inches long, and the Head shall be of the Diameter of seventeen Inches and an half, and the Chine or Part of the Stave without each Head, not more than an Inch and an half, and the Head not more than an Inch thick, the Cask to have the usual bilge, and to be tight and well made, or otherwise shall hold thirty one Gallons and an half, and be marked before packing by a Gauger duly appointed and sworn.

Manner of packing Fish, &c. **And be it further enacted**, That the Mackerel and other pickled Fish, shall be carefully packed, well salted, and duly filled by a Packer chosen and sworn for the Purpose, the whole of each Barrel to consist of the same Kind of Fish, and every Packer shall brand each Barrel, thus made and packed with the first Letter of his Christian Name, and his Sir-name at length, and with the first Letter of the Name of the Town where the Fish is packed, for which he shall be paid by the Owner of such Fish at the Rate of *eight Pence* by the Ton, and no more.

Forfeiture for shewing or offering to Sale Fish not described as above. **And be it further enacted**, That all and every Person or Persons who shall after the first Day of *March* One Thousand seven Hundred and fifty eight, offer or shew for Sale any Cask or Casks of Mackerel or other pickled Fish not branded, or smaller than the Barrels or Casks described above, or where there shall be any Fraud in packing the Fish, the Person or Persons so offering them to Sale, shall forfeit such Cask of Fish; and any Justice of Peace on Complaint made, may and shall issue his Warrant for seizing and securing such Forfeiture for Trial.

Penalty for fraudulent packing or branding. **And be it further enacted**, That every Packer who shall pack and brand any Barrels or Casks which are smaller than above directed, or fraudulently packed, for every such Offence shall incur the Penalty of *twenty Shillings* for each Barrel thus unjustly branded.

Preamble. *And in as much as it is found very difficult for such Persons as are appointed Packers in sundry Maritime Towns, to repair in order to be Sworn, to the Town where the Court of General Sessions of the Peace is held, which is now Requisite:*

Packers may be sworn before a Justice. **Be it enacted and ordered**, That such Packers may be sworn before any one Justice of the Peace for such County in such Town or Place as may be nearest or most convenient, such Justice certifying the Caption to the Clerk of the Court of General Sessions of the Peace, at or before the next Sitting of said Court. *Provided*, that this Act shall not be construed or understood to prohibit the packing of Oysters or other Kinds of Fish in Kegs, which have heretofore usually been packed in such small Casks.

Disposal of Fines. **And be it further enacted**, That all Fines and Forfeitures by this Act, shall be and belong one half to his Majesty for the Use of this Province, and the other Half to him or them who shall inform and sue for the same.

## CHAP. III.

### An Act in Addition to an Act made and passed in the fifth Year of the Reign of their late Majesties *William* and *Mary*, Intituled *An Act for High-Ways.*

Preamble.

*WHEREAS in and by an Act made and passed in the fifth Year of the Reign of their late Majesties King* William *and Queen* Mary, *Intituled* An Act for High-Ways; *it is provided, that where High-Ways or Common Roads are wanting, or where old Ways may with more Conveniency be turned or altered, upon Application made to the Justices in Quarter Sessions in the County where they are wanted, they having first by a Committee enquired into the Necessity and Conveniency thereof, the said Justices are to Order the same to be laid out or altered by a Jury to be summoned by the Sheriff for the said Purpose; which Method is found inconvenient, and causes great and needless Charge to the respective Counties in this Province:*

For Remedy whereof:

Court of Sessions to appoint a Committee to lay out or alter High-Ways.

Be it enacted by the Lieutenant Governour, Council and House of Representatives, That where a new High-Way or Common Road from Town to Town or Place to Place shall be wanting, or where an High-Way or common Road already laid out, stated and established, may or can with greater Convenience be turned or altered, upon Application made to the Justices of the Court of General Sessions of the Peace within the same County, and it being judged by them to be of common Convenience or Necessity to have such new Way laid out or old one altered, the said Court be and hereby are impowered to appoint a Committee of five disinterested sufficient Freeholders in the same County to view and lay out such High-Way or Road, (which Committee shall give seasonable Notice to all Persons interested) of the Time and Place of their Meeting, and shall be under Oath to perform the said Service according to their best Skill and Judgment with most Convenience to the Publick, and least Prejudice or Damage to private Property; and shall also ascertain the Place and Course of said Road in the best Way and Manner they can, which having done, the said Committee or the major Part of them, shall make Return thereof to the next Court of General Sessions of the Peace to be held in the said County, after the said Service is performed, under their Hands and Seals, to the End the same may be allowed and recorded, and after known for a publick High-Way.

Return to be made to said Court.

Proviso.

*Provided nevertheless*, That if any Person be damaged in his Property by the laying out or altering such High-Way, the Town or District where the same is, shall make such Person or Persons reasonable Satisfaction according to the Estimation of the Committee, or major Part of them who laid out the same: which said Committee are impowered and required under Oath to estimate the same, and make Return thereof as aforesaid: and if such Person or Persons so damaged find him or themselves aggrieved by any Act or Thing done by the said Committee in laying out said Way or Estimate of his or their Damages, he or they may apply unto the Court of General Sessions of the Peace, provided such Application be made to the Court that shall be held in said County next after such Return; and said Court is hereby impowered to hear and determine the same, and shall and may enquire by a Jury under Oath, to be summoned by the Sheriff or his Deputy for said Purpose, if the Person complaining desires the same; and if the Jury

shall

shall not alter said Way, or increase the Damages, the Person complaining shall be at all Costs, to be taxed against him by said Court, otherwise such Cost shall be paid by the County; and the increase of Damage found by the Jury, shall be paid by the Town or District in which such Way shall be laid.

Jury's Verdict to determine Damage, and fix High-Ways.

**And be it further enacted,** That the Verdict of such Jury, Return thereof being made under their Hands and Seals to said Court, shall conclude the Person or Persons complaining with Regard to the Damage, and also fix and determine the Place of such Road or High-Way, and Record shall be made thereof accordingly.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of his Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and held at *Boſton*, upon Wedneſday the twenty-ſeventh Day of *May*, 1761. and continued by ſundry Prorogations unto Thurſday the twelfth Day of *November* following and then met.

## CHAP. VIII.

### An Act in Addition to An Act made and paſs'd in the tenth Year of Queen *Anne*, Intituled *An Act for ſuppreſſing Robberies and Aſſaults.*

*WHEREAS the Act Intituled*, An Act for ſuppreſſing Robberies and Aſſaults, *made and paſs'd in the tenth Year of Queen* Anne, *is inſufficient to reſtrain ill-minded and wicked Ruffians from aſſaulting and robbing his Majeſty's Liege People as they are travelling the common Roads, High-Ways or Streets*: Preamble.

**Be it enacted by the Governor, Council and Houſe of Repreſentatives**, That every Perſon or Perſons that ſhall after the firſt Day of *December* next aſſault, rob and take away from the Perſon of another, in or upon any High-Way, Street, Paſſage, Field or open Place, any Money, Goods, Cloathing or other Thing whatſoever, and ſhall be thereof convict, ſhall be adjudged guilty of Felony, and ſuffer the Pains of Death accordingly, without Benefit of Clergy. Perſons convict guilty of Felony.

*And whereas by the Act aforeſaid*: **It is enacted**, " That whoever " ſhall be convicted of aſſaulting or offering any Violence or Inſolence to " any Woman or Woman-Kind in the Fields, Streets or Lanes in any Town, " or of deſpoiling them, damnifying or defacing any of their Attire or Orna- " ments, or attempting the ſame, ſhall be puniſhed by being publickly whip- " ped, not exceeding ten Stripes or by being committed to the Houſe of " Correction, to receive the Diſcipline of the Houſe, and continue there " by the ſpace of thirty Days, and kept according to the Rules and Orders of " the Houſe; and alſo find Sureties for the good Behaviour, before he be " diſcharged. Preamble.

" discharged. And any two Justices of the Peace, (*Quorum Unus*) in the " vacancy of the Court of General Sessions of the Peace, are impow- " ered to hear and determine this Offence.

Justices of the Court of the Sessions to try —

Be it further enacted, That instead of the abovementioned Offence being tried by two Justices of the Peace, (*Quorum Unus*) it shall be tried by the Justices of the Court of General Sessions of the Peace, who are hereby impowered and directed to try the same; and the Person or Persons convicted, shall be sentenced to pay a Fine not exceeding *ten Pounds*, at the Discretion of the Justices, according to the Nature of his or their Offence, or to be publickly whipped, not exceeding ten Stripes: Any Law, Usage or Custom to the contrary notwithstanding.

## CHAP. IX.

### An Act for exchanging of Meadow and Meadowish Ground belonging to the first Precinct in *Marshfield*, in the County of *Plymouth*, with *Nathanael-Ray Thomas*, of said *Marshfield*, Gentleman, for Salt Meadow.

Preamble.

*WHEREAS the said Precinct is seized and possessed of a certain Tract of Land or Meadowish Land, containing ninety Acres, more or less, situate in* Marshfield *aforesaid, on the South side of* Green's-Harbour River, *so called, bounded Easterly by the Meadow formerly granted by the Town of* Marshfield, *to Mr.* William Thomas, *Northwesterly by* Green's-Harbour River, *as it runs and extends up Stream 'till it comes to the upper End of the great Fresh Marsh, called* Green's-Harbour River Marsh, *where the River comes to the Upland at the Head of said Marsh, and is bounded Southerly by the Land granted by the Court of* New-Plymouth, *to Mr.* William Thomas, *to be holden as a perpetual Personage.*

*And whereas the said* Nathanael-Ray Thomas, *is seized and possessed of a large Quantity of Salt Meadow, as an Estate in Tail, thirty Acres whereof is bounded as follows,* viz. *Beginning below* Hoockantem-Point, *so called, by a Stake standing on the Southeast Side of* Green's-Harbour River, *and from thence South seventy Degrees, East ninety one Rod and an half, to a Stake standing by a Ditch, and from thence North thirty-five Degrees East, by said Ditch twenty-six Rods and three Quarters to said River, and from thence by said River up Stream, 'till it comes to the Bounds first mentioned, exclusive of a little Sedge-Island in said River, on the Easterly Side of the Premises, as the same was laid out by Mr.* John Wadsworth, *Surveyor, on Oath.*

*And whereas the said Parish, as well as the Reverend Mr.* Thomas Brown, *the present Minister on the one Part, and the said* Nathanael-Ray Thomas, *on the other, for their mutual Advantage and Benefit, have agreed to an Exchange of the above recited Premisses*: That is to say, *That the said Precinct by its present Minister, and so in Succession to them and all future Ministers for ever, shall have, hold, possess and enjoy the said thirty Acres of Salt Meadow above described and bounded; and for the same Uses and Purposes as they heretofore held and enjoyed the aforesaid ninety Acres; and that they in perpetual Succession, shall for ever be excluded from any Pretentions to the said ninety Acres: And that the said* Nathanael-Ray Thomas, *shall have, hold, possess and enjoy the said ninety Acres of Meadow and Meadowish Lands aforesaid described and bounded, as an Estate in Tail, to him and his Heirs, in the same Manner to all Intents and Purposes, as he heretofore held and enjoyed*

*joyed the aforesaid thirty Acres; and that he and his Heirs in Tail, shall for ever be excluded from any Pretention or Claim whatever to the said thirty Acres of Salt Meadow:*

Agreement of the Parties, confirmed.

Be it therefore enacted by the Governor, Council and House of Representatives, That the afore recited Agreement between the said first Parish in *Marshfield*, and the said *Nathaniel-Ray Thomas*, be and hereby is confirmed, and that the said Parish by its present Minister, and so to them in future, and to all succeeding Ministers for ever, shall have, hold, possess and enjoy the said thirty Acres of Salt Meadow in as ample a Manner, and to the same Use as they heretofore possessed the said ninety Acres; and they and every of them from any Pretensions to the said ninety Acres, shall for ever be excluded and debarred.

And that the said *Nathaniel-Ray Thomas*, and his Heirs in Tail, shall for ever hereafter in as ample a manner, have, hold, possess and enjoy the the said ninety Acres in the same way and Manner, as he heretofore held and possessed the said thirty Acres of Salt Meadow; and he and his Heirs in Tail, shall for ever be excluded from any Right or Pretention to said thirty Acres of Salt Meadow, aforementioned.

## CHAP. X.

## An Act to annul a Division heretofore made by the Proprietors of common and undivided Lands, in a Place called *Phillip's-Town*, in the County of *York*.

Preamble.

*WHEREAS the Proprietors of the common and undivided Lands, in a Place called* Phillip's-Town, *in the County of* York, *have petitioned this Court, setting forth, that in order to an effectual Settlement of the said Lands, it is needful that a Division be made thereof, that so each Proprietor may know and settle his Part in Severalty; and that it appears by the Records of said Proprietors, that in the Year* 1730, *a Division was made of Two Thousand Acres, Part of the said Land, into forty Lots of fifty Acres each, and that the Proprietors drew their several Lots in the said Division; but that it no way appears where and in what manner the said Lots were laid and bounded, nor any Plan of the Division being to be found, the Petitioners did thereupon pray, that the said ancient Division may by the Authority of this Court be annulled and vacated, to the end they may proceed regularly in a new Division:*

Division in 1730 declared void.

Be it therefore enacted by the Governor, Council and House of Representatives, That the said Division made in the said Year 1730, be and hereby is annulled and made void: And that the said Proprietors be and hereby are enabled to proceed to a Division of the whole, or any Part of the Lands by them held in Common as aforesaid, as they might have done if the Division aforesaid in the Year 1730, had never been made.

Proviso.

*Provided always*, That nothing in this Act shall be understood, or construed, to affect the Right or Title of any Person actually settled upon Lands, in any Part of *Phillip's Town*, assigned or allotted to him before the making of the Division aforementioned: But such Right and Title shall be and remain as if this Act had never been passed.

CHAP.

## CHAP. XI.

### An Act for erecting *Ware-River* Parish (so called) in the County of *Hampshire*, into a District, by the Name of *Ware*.

Preamble.

*WHEREAS the Inhabitants of* Ware-River *Parish* (*so called*) *in the County of* Hampshire, *have represented to this Court, the great Difficulties and Inconveniencies they labour under in their present Situation, and have earnestly requested that they may be Incorporated into a District:*

District of *Ware* Incorporated.

**Be it therefore enacted by the Governor, Council and House of Representatives,** That the said *Ware-River* Parish, (so called) bounded as follows, *viz.* Southerly upon *Palmer*, including that Tract of Land in said *Palmer*, which is the Property of the Heirs of *Isaac Magoon*, deceased; Easterly upon *Western* and *Brookfield*, Northerly upon *Hardwick* and *Greenwich*, and Westerly upon *Swift-River*; be and is hereby Incorporated into a District, by the Name of *Ware*; and that the said District be and hereby is invested with all the Priviledges, Powers and Immunities that Towns in this Province by Law do or may enjoy, that of sending a Representative to the General Assembly only excepted.

Inhabitants to be warned, & by whom.

**And be it further enacted,** That *Eleazer Porter*, Esq; be and hereby is directed and impowered to issue his Warrant directed to some principal Inhabitant within said District, requiring him to warn the Inhabitants of said District qualified to vote in Town Affairs, to assemble at some suitable Time and Place in said District, to chuse such Officers as are necessary to manage the Affairs of said District.

Proviso.

*Provided nevertheless*, The Inhabitants of said District of *Ware*, shall pay their proportionable Part of all such Town County and Province Charges as are already assessed, in like manner as tho' this Act had not been made; and that Part of the Province Tax which is the Proportion of the said *Magoon*'s Farm, shall hereafter be abated the District of *Palmer*, and be borne and paid by the said District of *Ware*.

*BOSTON NE*:

Printed by S. KNEELAND, by Order of his Excellency the GOVERNOR, COUNCIL and House of REPRESENTATIVES.
M,DCC,LXI.

# Acts and Laws,

Passed by the Great and General Court or Assembly of his Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and held at *Boston*, upon Wednesday the twenty-seventh Day of *May*, 1761. and continued by sundry Prorogations unto Wednesday the thirteenth Day of *January* following, and then met.

## CHAP. XII.

## An Act to incorporate certain Persons by the Name of the Society for propagating Christian Knowledge among the Indians of *North-America*.

Preamble. *THE signal Success with which it has pleased Almighty GOD, to crown his Majesty's Arms, calls upon us, to express our grateful Acknowledgements to the Author of it, and to demonstrate our Gratitude, by endeavouring to Spread the Knowledge of his Religion; a favourable Opportunity of doing this among the Indians of* America, *seems now to present it self, as the French of* Canada *being subjected to his Majesty's Dominion, have it less in their Power to obstruct so good a Work:*

For the promoting of which, divers worthy Persons have petitioned this Court for an Act of Incorporation, whereby they may be enabled with the Assistance of the charitably disposed, to proceed in it with Vigour, and carry it more effectually into Execution: Wherefore,

Be it enacted by the Governor, Council, and House of Representatives, That *Andrew Oliver, Isaac Royall, John Erving, William Brattle, Robert Hooper, James Bowdoin, Thomas Hancock, Thomas Hubbard, Nathanael Sparhawk, Harrison Gray*, and *Thomas Flucker*, Esqrs; the Reverend *Edward Holyoke*, President of *Harvard-Colledge*, the Reverend *Joseph Sewall, Charles Chauncy*, and *Jonathan Mayhew*, Doctors of Divinity, *John Phillips, Ezekiel Goldthwait, John Ruddock, Francis Borland, Joshua Henshaw, Zachariah Johonnot, Joseph Green, Isaac Winslow, James Pitts, Samuel Grant, Joseph Jackson, James Otis*, Junr. *Royall Tyler, Thomas Cushing, John Scollay, Benjamin Austin, Joseph Sherburn, William Blair Townsend, William Phillips,* Persons Names hereby Incorporated.

*Thomas Fayerweather, William Story, John Barrett, Samuel Dexter, John Symmes,* and *Benjamin Hallowell,* Junr. Esqrs; the Reverend *Thomas Foxcroft, Nathanael Appleton, Ebenezer Pemberton, Hull Abbot, Thomas Prentice, Samuel Mather, Andrew Eliot, Samuel Cooper, Samuel Checkley,* Junr. *Amos Adams,* and *Alexander Cumming,* Ministers of the Gospel, Messieurs *Middlecot Cook, John Tudor, Jonathan Cushing, William Hickling, William Hyslop, Stephen Hall, John Simson, Oxenbridge Thacher, Samuel-Phillips Savage, Samuel Deming, Benjamin Church, Isaac Walker, Samuel Hill, Nathanael Holmes, John Dennie, Benjamin Hammatt, Forteſque Vernon, Henderson Inches, William Homes, Edward Langdon, Richard Martyn, Henry Newman, Thomas Marshall, Benjamin Dolbear, Thomas Gray, Henry Bromfield, Jonathan Williams, William Whitwell, John Greenleaf, Timothy Newell, Isaac Smith, William Greenleaf, Oneſiphorus Tileſtone, William White, Ebenezer Storer, William Gray, Moſes Gill, Jonathan Maſon, Daniel Waldo, Alexander Hill, John White, Moſes Peck, Thomas-Handiſyde Peck, John Melvill, Samuel Adams, Benjamin Clarke, Samuel Abbot, Peter Boyer, Benjamin Gray, Chriſtopher Clarke, John Scot, Thomas Fletcher,* and *Samuel Minot,* together with ſuch others as they ſhall elect, be and they are hereby incorporated and made a Body Politick, for the Purpoſe aforeſaid, by the Name of *The Society for propagating Chriſtian Knowledge among the Indians of North America*; and the Society aforeſaid, ſhall have perpetual Succeſſion, and may have a common Seal, which it ſhall be lawful for them to change, break, alter, and make new at Pleaſure, and may Purchaſe and hold in Succeſſion, Lands, Tenements and Real Eſtate of any Kind, the annual Income and Profits whereof not exceeding the Value of *two Thouſand Pounds* Sterling. And the ſaid Society is hereby enabled to take Subſcriptions of their own Members, or other charitably diſpoſed Perſons, and may take any Perſonal Eſtate in Succeſſion. And all Donations to the Society either by Subſcription, Legacy or otherwiſe (excepting ſuch as may be differently appropriated by the Donors) ſhall make a Part of, or be put into the Capital Stock of the Society, which ſhall be put out on Intereſt on good Security, or otherwiſe improved, to the beſt Advantage, and the Income or Profits applied to the Uſe and Benefit of ſuch Tribes of Indians as they ſhall think proper, by cauſing them to be Inſtructed in the Principles and Duties of the Chriſtian Proteſtant Religion: And the ſaid Society is hereby impowered to give ſuch Inſtructions, Orders and Encouragements to their Officers, and thoſe they ſhall employ, as they ſhall judge neceſſary; and the Perſons employed as Teachers in any Capacity, ſhall be Men of Reputed Piety, Loyalty, Prudence, Gravity, competent Knowledge and Literature, and of other Chriſtian and neceſſary Qualifications ſuited to their reſpective Stations.

Purpoſe of Incorporation.

**And be it further enacted,** That the Society aforeſaid, ſhall meet at ſome convenient Place in the Town of *Boſton*, in this Province, on the fourth Day of *March* next, and then chuſe a Preſident, Vice-Preſident, Treaſurer and Secretary, and ſuch other Officers as they ſhall judge proper, and may then alſo elect new Members, and may make Bye-Laws and Oders for the Regulation of the ſaid Society; Provided ſuch Bye-Laws be not repugnant to the Laws of *England*, or the Laws of this Province; and act upon all Matters which they apprehend needful to promote the End of their Inſtitution; and the Officers aforeſaid, ſhall continue in their Office until the firſt Thurſday of *May* next, following the Time of their Appointment aforeſaid.

First Meeting.

**And be it further enacted,** That there ſhall be a General Meeting of the Members of the ſaid Society Quarterly at *Boſton* aforeſaid, or in any

Quarterly Meeting.

any other Place within this Province, unless some extraordinary Occurrence prevent the same, on the first Thursdays of *February*, *May*, *August* and *November* yearly forever, at three of the Clock in the Afternoon, and oftner if needful, when and where the said Society shall think fit; and any nine of the Members, the President, Vice-President, Treasurer or Secretary always to be one, being convened at the said Times and Places, are hereby declared to be a Quorum of the said General Meeting; and the said Society at their General Meeting in *May*, in every Year (and in Case of any extraordinary Occurrence preventing their Meeting then, at the next quarterly Meeting after) shall out of their own Body by a Majority of the Members present, elect a President, Vice-President, Treasurer and Secretary, and such other Officers as they shall find needful, to continue in Office until the *May* Meeting, next following their Appointment, or until others be chosen to succeed them; and all the Officers aforesaid, before they shall be qualified to act, shall be under Oath for the faithful Performance of their respective Trusts; and the said Society at any of their quarterly Meetings (and at no other) may elect into their Body such Persons being Contributors and Protestants, as they shall judge qualified to assist them in their good Design; and may appoint a Committee or Committees to prosecute the Orders of any General Meeting, audit the Treasurer's Accounts, and prepare Matters for the Society to act upon; and the Committee or Committees shall exhibit an Account of their Proceedings at the General Mee ings of the Society quarterly. Officers to be chosen,

And be it further enacted, That the Society aforesaid, by the Name aforesaid, shall be and is hereby declared to be capable to prosecute, pursue and defend in all Courts and Places, and before all proper Judges whatsoever, all Actions, Causes, Processes and Pleas of what Kind or Nature soever, in the fullest and amplest Manner; and if it shall happen that the said Society shall become seized of Lands or Tenements, by Mortgage as Security for Payment of any Debt, or by levying Execution on Lands for Discharge of Debts due to said Society, it shall be lawful for the said Society, by Deed under their Seal, to sell and convey the Lands accquired in either of the two mentioned Ways: Provided that no such Sale shall be made or concluded on but at some General quarterly Meeting. Power to prosecute and to convey Lands, in certain Cases.

And be it further enacted, That the Society aforesaid shall have, and there is hereby granted to them full Power at their quarterly Meetings, and at no other Meetings, to make such Rules, Laws and Ordinances as aforesaid, and to alter the same as they shall see most convenient and needful for the better Government of the said Society, and managing the Affairs thereof, and for the more effectual promoting the aforesaid Design. And the said Society is hereby impowered upon the Death of their President, Vice-President, Treasurer, Secretary or other Officers, or upon their acting unfaithfully, or not attending their respective Stations, and their Removal upon these or any other just and necessary Accounts (the Society being hereby impowered to make such Removal) to chuse others at any other quarterly Meeting to succeed. Power to make Bye-Laws, and to fill up Vacancies.

*Provided always*, That no Member shall be removed, or Officer displaced unless at a quarterly Meeting as aforesaid. Proviso.

And to the End that the Members of the said Society, and all Contributors to the said Design, may know the State of the Society's Stock, and the Dispositions of the Profits thereof, and of all Donations made to the said Society:

Be it further enacted, That a particular Account of such Stock and Disposition, shall be exhibited by the Treasurer, at every quarterly Meeting, which Account the Secretary or a Committee of the said Society (having examined the same) shall certify to be true; and fair Entries shall be made in proper Books provided for that Purpose, of all Donations made to the said Society, Accounts to be exhibeted.

Society, and of all the Estate both Real and Personal, belonging to the Society, and of the Incomes thereof, and also of all Transactions either by themselves or by their Officers or Committees, for or on Account of the Society, and the said Books shall be brought to the quarterly Meetings of the said Society, and be there open for the Perusal and Examination of the Members.

## CHAP. XII.

### An Act to invest the Committee of the first Precinct in *Rehoboth*, with corporate Powers, for certain Purposes therein mentioned.

Preamble.

*WHEREAS the first Precinct in* Rehoboth, *whereof the Reverend Mr.* John Carnes *is the present Pastor, have humbly supplicated this Court, setting forth that by the Sale of certain Lands, they were by this Court enabled to sell, they are now possessed of the Sum of* Six Hundred Pounds, *which Sum with some Interest gained thereto, they pray may be placed at Interest, and the Interest accruing thereby to be placed at Interest, until the Sum of* Twelve Hundred Pounds *be thereby raised on the whole, and that the same Sum may be placed at Interest, and the Income thereof be for ever appropriated to the Support of a Congregational Minister within the said Precinct, and that this Court would invest the Committee of the said Precinct with the Powers needfull for those Purposes:*

Precinct Committee incorporated into a Body Politic.

Be it therefore enacted by the Governor, Council and House of Representatives, That *Daniel Carpenter, Thomas Allyn, John Hunt, John Cooper,* and *Ebenezer Walker,* the present Committee of the said Precinct, and those which shall be annually hereafter forever chosen by the said Precinct to the same Office, shall be and are hereby declared a Body Corporate by the Name of the *Trustees of the first Parish of Rehoboth*; and they are hereby Incorporated to this special Purpose, *viz.* to receive the said Sum of *Six Hundred Pounds*, with the Addition it hath already gained, and to let the same to Interest, on good Security, Real or Personal, as they or the major Part of them shall judge best, and the Interest received to put out to Interest again, until by this Increase or by voluntary Subscription in the said Precinct, or other lawful Means, there be raised a Capital of *Twelve Hundred Pounds* lawful Money of this Province; and all Bonds Mortgages or other lawful Securities made to the said *Daniel Carpenter, Thomas Allyn, John Hunt, John Cooper,* and *Ebenezer Walker,* or their Successors aforesaid by the Corporate Name aforesaid, shall be and are hereby declared valid, and they and their Successors or the major Part of them by the said Name may appear, and Plead, Sue and Defend, in any Court within this Province, in all Matters touching such Securities.

Money raised to be put to Interest.

And be it further enacted, That the said Sum of *Twelve Hundred Pounds*, when raised, shall be by the said Trustees put to Interest on good Securities, and the Interest annually arising from the same shall be paid to a Minister of a Congregational Church resident and officiating in the Work of the Ministry within the said Precinct forever. And if it shall ever after the said Sum of *Twelve Hundred Pounds*, is raised, happen that there be no Minister of a Congregational Church settled within the said Precinct, for the Space of one Year, in every such Case the Interest arising shall be put out to Interest on new Security, and all such increased Capital shall be ordered and managed according to the Directions herein before given, respecting the said principal Sum of *Twelve Hundred Pounds*. And the said *Daniel Carpenter, Thomas Allyn, John Hunt, John Cooper, Ebenezer Walker,*

*Walker*, and their Succeſſors aforeſaid, are with reſpect to the ſaid Sum of *Twelve Hundred Pounds*, and all ſuch increaſed Capital, fully incorporated, impowered and directed in Manner aforeſaid.

And be it further enacted, That if at any Time the ſaid Precinct ſhall at their Annual Meeting in *March*, neglect to chuſe a Precinct-Committee, the Committee then laſt before choſen, ſhall continue veſted with all the Powers and Priviledges aforeſaid, until new ones be choſen. Proviſo in Caſe of Neglect.

And be it further enacted, That the ſaid Committee and their Succeſſors ſhall be accountable to the ſaid Precinct, and may by them for any Miſdemeanor in their Office aforeſaid, be removed from their ſaid Truſt, and new ones appointed in their Stead. Committee to be accountable &c.

## CHAP. XIV.

## An Act for altering the Place for holding the Courts of General Seſſions of the Peace, and Inferiour Court of Common Pleas heretofore by Law held at *Edgartown Dukes-County* in *October* annually.

*For the better Accommodation of the Inhabitants of* Dukes-County:

BE it enacted by the Governour Council and Houſe of Repreſentatives, That the Court of General Seſſions of the Peace and Inferiour Court of Common Pleas for the County of *Dukes-County*, appointed by Law to be holden on the laſt Tueſday of *October* annually, ſhall inſtead of being holden at *Edgartown*, be henceforth holden at *Tiſbury* in the ſame County on the laſt Tueſday of *October* annually, and all Officers and other Perſons concerned are required to conform themſelves accordingly. Courts altered in *Dukes-County*.

## CHAP. XV.

## An Act for erecting the new Plantation called *Number-Three* in the County of *Berkſhire* into a Town by the Name of *Sandisfield*.

WHEREAS *it hath been repreſented to this Court, that the erecting the Plantation called* Number-Three *into a Town, will greatly contribute to the Growth thereof; and remedy many Inconveniencies to which the Inhabitants and Proprietors may be otherwiſe ſubject*: Preamble.

BE it enacted by the Governor, Council and Houſe of Repreſentatives, That the Plantation aforeſaid, bounded as follows, viz. Weſt on *New-Marlborough*, South and Eaſt on *Equivalent Land* ſo called, North partly on *Number-One*, and partly on ſaid *Equivalent Land*; be and hereby is erected into a Town by the Name of *Sandiſfield*; and that the Inhabitants thereof be and hereby are inveſted with all the Powers, Priviledges and Immunities, which the Inhabitants of the Towns within this Province do enjoy. Bounds of *Sandiſfield*.

And be it further enacted, That *Joſeph Dwight*, Eſquire, be and hereby is empowered to iſſue his Warrant directed to ſome principal Inhabitant in ſaid Town, requiring him to warn the Inhabitants of the ſaid Town, qualified by Law to vote in Town Affairs, to meet at ſuch Time and Place as ſhall be therein ſet forth, to chooſe all ſuch Officers as are or ſhall be required by Law to manage the Affairs of ſaid Town. Town Meeting to be warned.

CHAP. XVI.

## An Act for erecting the new Plantation called *Fall-Town* in the County of *Hampshire* into a Town by the Name of *Bernardston.*

Preamble. WHEREAS it hath been represented to this Court that the erecting the Plantation called Fall-Town into a Town will greatly contribute to the Growth thereof, and remedy many Inconveniencies to which the Inhabitants and Proprietors may be otherwise subject:

Bounds of the Town. Be it enacted by the Governor, Council and House of Representatives, That the Plantation aforesaid, bounded as follows, viz. North on the Province Line, South partly on *Deerfield* and partly on *Greenfield*, East upon *Northfield*, and West on *Colrain*; be and hereby is erected into a Town by the Name of *Bernardston*, and that the Inhabitants thereof be and hereby are invested with all the Powers, Priviledges and Immunities, which the Inhabitants of the Towns within this Province do enjoy.

Town Meeting to be warned. And be it further enacted, That *Elijah Williams*, Esquire, be and hereby is impowered to issue his Warrant directed to some principal Inhabitant in said Town, requiring him to warn the Inhabitants of the said Town, qualified by Law to vote in Town Affairs, to meet at such Time and Place as shall be therein set forth, to choose all such Officers as are or shall be required by Law to manage the Affairs of said Town.

CHAP. XVII.

## An Act for Incorporating the Plantation called *Narraganſett Number-Six* in the County of *Worceſter* into a Town by the Name of *Templetown.*

Preamble. WHEREAS the Plantation of Narraganſett Number-Six lying in the County of Worceſter is competently filled with Inhabitants who labour under great Difficulties and Inconveniencies by Means of their not being a Town: Therefore,

Bounds of the Town. Be it enacted by the Governor, Council and House of Representatives, That the ſaid Plantation commonly called and known by the Name of *Narraganſett Number-Six*, bounding Weſterly on *Poquioge*, Southerly on *Rutland-Diſtrict* and *Peterſham*, Eaſterly on *Weſtminſter*, Northerly on *Ipſwich-Canada* and *Royalſhire*, be and hereby is erected into a Town by the Name of *Templetown*; and that the ſaid Town be and hereby is inveſted with all the Powers Priviledges and Immunities that any of the Towns of this Province do or may by Law enjoy.

Proviſo. *Provided*, that nothing in this Act ſhall be ſounderſtood or conſtrued as in any Meaſure to ſuperſede or make void any Grants or Aſſeſſments already made or agreed on by the Proprietors of ſaid Place in time paſt, but that the ſame ſhall remain and be as effectual as if this Act had not been made.

Town Meeting to be warned. And be it further enacted, That *Joſhua Willard*, Eſquire, be, and hereby is impowered to iſſue his Warrants to ſome principal Inhabitant of the ſaid Plantation, requiring him in his Majeſty's Name to warn and notify the ſaid Inhabitants qualified to vote in Town Affairs, that they meet together at ſuch Time and Place in ſaid Plantation as by ſaid Warrant ſhall be appointed, to chuſe ſuch Officers as may be neceſſary to manage the Affairs of ſaid Town, and the Inhabitants being ſo met ſhall be and hereby are impowered to chuſe ſaid Officers accordingly.

CHAP.

## CHAP. XVIII.

### An Act for erecting the new Plantation called *Number-One* in the County of *Berkshire* into a Town by the Name of *Tyringham*.

WHEREAS *it hath been represented to this Court that the erecting the Plantation called* Number-One *into a Town will greatly contribute to the Growth thereof, and remedy many Inconveniencies to which the Inhabitants and Proprietors may be otherwise subject*: Preamble.

Be it enacted by the Governor, Council and House of Representatives, That the Plantation aforesaid, bounded as follows, viz. West on *Sheffield*, South partly on *New-Marlborough*, and partly on *Number-Three*, East partly on *Number-Four*, and partly on Land called the *Equivalent-Lands*, Northerly on the Unappropriated Lands of the Province, be and hereby is erected into a Town by the Name of *Tyringham*, and that the Inhabitants thereof be and hereby are invested with all the Powers, Priviledges and Immunities, which the Inhabitants of the Towns within this Province do enjoy. Bounds of the Town.

And be it further enacted, That *Joseph Dwight*, Esquire, be and hereby is impowered to issue his Warrant directed to some principal Inhabitant in said Town, to notify and warn the Inhabitants in said Town, qualified by Law to vote in Town Affairs, to meet at such Time and Places as shall be therein set forth, to chuse all such Officers as are, or shall be required by Law, to manage the Affairs of said Town. Town-Meeting to be warned.

## CHAP. XIX.

### An Act for erecting the Society and Parish of *Natick* into a separate District by the Name of *Natick*.

WHEREAS *the Society and Parish of* Natick, *so called, within the County of* Middlesex, *labour under many and great Difficulties by Reason of their not being erected into a distinct and separate District*: Preamble.

Therefore,

Be it enacted by the Governor, Council and House of Representatives, That the Society and Parish of *Natick* be and hereby is erected into a District by the Name of *Natick*, according to the Boundaries of the said Parish, and that the Inhabitants of the said Society and Parish be and hereby are invested with all the Priviledges Powers and Immunities that Districts are invested with agreeable to an Act made and passed in the first Year of his Majesty's Reign, Intituled "*An Act for the better regulating Districts within this Province.*" Provided that the present Meeting-House shall not be removed, nor any new Meeting-House erected within the same, without the special Licence of this Court. *Natick* a District.

And be it further enacted by the Governor, Council and House of Representatives, That the Votes of the said Parish of *Natick* on the eighteenth Day of *January* last, be and hereby are ratified and confirmed. Votes confirmed.

## CHAP. XX.

### An Act for erecting the new Plantation called *Payquage* in the County of *Worcester* into a Town by the Name of *Athol*.

WHEREAS *it hath been represented to this Court that the Inhabitants of the Plantation of* Payquage *in the County of* Worcester, *labour under great Difficulties by Reason of their not being incorporated into a Town, and are desirous of being so incorporated*: Preamble.

Bounds of the Town of *Athol.*

Be it therefore enacted by the Governor, Council and House of Representatives, That the said Plantation be and hereby is erected into a Town by the Name of *Athol*, bounded as follows, viz. Northerly on the Plantations of *Royalſhire* and *Mountgrace*, Westerly on *Ervingſhire* and *New-Salem*, Southerly on *Peterſham* and the Plantation called *Number-Six*, and Easterly on said *Number-Six*; and that the Inhabitants thereof be and hereby are invested with all the Powers, Priviledges and Immunities that the Inhabitants of the Towns within this Province are by Law vested with.

Town Meeting to be warned.

And be it further enacted, That *John Murray*, Esquire, be and hereby is directed and empowered to issue his Warrant directed to some of the principal Inhabitants within said Town requiring them to warn the Inhabitants of said Town qualified to vote in Town Affairs, to assemble at some suitable Time and Place in said Town to chuse such Officers as are necessary to manage the Affairs of said Town: *Provided nevertheleſs*, the Inhabitants of said Town shall pay their proportionable Part of such County and Province Charges as are already assessed in like Manner as tho' this Act had not been made.

## CHAP. XXI.

## An Act for holding the Court of General Sessions of the Peace, and the Inferiour Court of Common Pleas at *Biddeford* in the County of *York*.

Courts altered in the County of *York*.

Be it enacted by the Governor Council and House of Representatives, That the Court of General Sessions of the Peace, which formerly by Law was held in *Falmouth* in the County of *York* on the first Tuesday of *October* annually, henceforward shall be held yearly and every Year at *Biddeford* in the County of *York* on the first Tuesday of *October* by the Justices of the Peace for the same County or so many of them as are or shall be limitted in the Commission of the Peace, who are hereby impowered to hear and determine all Matters relating to the Conservation of the Peace, and Punishment of Offenders, and whatsoever is by them Cognizable according to Law, and to give Judgment and award Execution thereon.

And be it further enacted, That the Inferiour Court of Common Pleas which by Law was held at *Falmouth* in the County of *York* on the first Tuesday of *October* shall be held and kept in *Biddeford* in the County of *York* on the first Tuesday of *October*, yearly and every Year, by four substantial Persons, that are or may be appointed and Commissionated as Justices of the same Court, any three of them to be a Quorum for the holding of the said Court, who shall have Cognizance of all Civil Actions arising or happening within such County triable at the Common Law of what Nature kind or quality soever, and are hereby impowered to give Judgment therein and award Execution thereupon.

## CHAP. XXII.

## An Act in Addition to an Act for altering the Time for holding the Courts of General Sessions of the Peace, and Inferiour Court of Common Pleas within the County of *Barnstable*.

Preamble.

*WHEREAS the Time by Law appointed for holding the Courts of General Sessions of the Peace and Inferiour Court of Common Pleas at* Barnstable, *for the County of* Barnstable, *on the second Tuesday in* May *yearly, is found to be inconvenient, by Reason of the altering of the Superiour Court of Judicature, Court of Assize and General Goal Delivery within the Counties of* Barnstable *and* Dukes-County:

Be

Be it therefore enacted by the Governor, Council and House of Representatives, That the Court of General Sessions of the Peace, and Inferiour Court of Common Pleas, for and within the County of *Barnstable*, appointed by Law to be on the second Tuesday in *May* annually, be henceforth held and kept on the last Tuesday in *June* yearly. Time for holding the Courts altered.

## CHAP. XXIII.

## An Act for altering the Time for holding the Court of General Sessions of the Peace and Inferiour Court of Common Pleas in the County of *Hampshire*, from the third to the first Tuesday in *May*.

WHEREAS *one of the Times appointed by Law for holding the Court of General Sessions of the Peace and Inferiour Court of Common Pleas in the County of* Hampshire *is on the third Tuesday of* May, *which Time is found inconvenient in some Respects, and it is apprehended may be altered with Advantage to the Publick:* Preamble.

Be it enacted by the Governor, Council and House of Representatives, That for the future, the Time for holding the Court of General Sessions of the Peace and Inferiour Court of Common Pleas within and for the County of *Hampshire*, shall be the first Tuesday in *May* annually, instead of the third Tuesday of the same Month. Time for holding the Courts altered.

Be it further enacted, That all Writs and other Processes already issued, or that may issue before the last Day of *March* next returnable to said Courts, at the Day heretofore appointed for holding the same in the County aforesaid, shall be returned, and all Matters depending at said Courts, shall be proceeded on at the Day appointed by this Act for holding the same; and all Officers and other Persons concerned are required to conform themselves accordingly.

## CHAP. XXIV.

## An Act in Addition to an Act made and passed in the twenty-third Year of his late Majesty *George* the Second, Intituled, *An Act for ascertaining the Rates at which Coined Silver and Gold, and English Half Pence and Farthings may pass within this Government.*

WHEREAS *divers Doubts have arisen and a Question been made, whether the Gold Coins mentioned in an Act made and passed in the twenty third Year of his late Majesty* George *the Second, Intituled "An Act for ascertaining the Rates at which Coined Silver and Gold, and "English Half-Pence and Farthings may pass within this Government," are a legal Tender:* Preamble.

Be it therefore enacted and declared by the Governor, Council, and House of Representatives, That the several Gold and Silver Coins, in the said Act specified, at the Rates in the said Act mentioned, are and shall be Lawful Money of this Province, and a legal Tender in all Payments publick and private; and all Judgments shall be entered up in Lawful Money, without any Abatement, Rebatement or Allowance by Reason of the varying Prices of Gold or Silver Bullion; Provided that a Johannes or Gold Coin of *Portugal* mentioned in the said Act shall not weigh less than eighteen Penny weight ten Grains, an half Johannes not less than nine Penny weight and five Grains, a Moidore not less than six Penny weight twenty two Grains and one Quarter of a Grain, and a Guinea not less than five Penny weight nine Grains; and Gold and Silver Coin made a Tender.

that such of the said Coins which shall fall short of the respective Weights aforesaid, shall nevertheless be accounted a Tender with an Allowance for such Deficiency at the Rate of Gold at two Pence half Penny per Grain.

## CHAP. XXV.

## An Act for the better securing the Possessors of the Province Treasurer's Notes, by enabling the Province Treasurer to give new Receipts or Obligations in Lieu of such Notes as are now extant.

Preamble.

*WHEREAS the Treasurer of this Province hath been impowered and directed by several Acts to borrow large Sums of Money for the Use of the Province, and to give his Receipts or Obligations for the Payment of the same; many of which Receipts and Obligations are now outstanding and unpaid; and divers Frauds and Deceits have been put upon several Persons, by forging and counterfeiting said Receipts and Obligations, tendering in Payment, uttering and exchanging such forged and counterfeit Receipts and Obligations to the Prejudice of the publick Credit:*

Be it therefore enacted by the Governor, Council and House of Representatives, That all Receipts, Notes or Obligations hereafter to be given by the Treasurer of this Province, by Virtue of this or any other Act now in Force for Money borrowed, or to be borrowed, for the Use of the Province, shall be in the Form following, *viz.*

Form of the new Notes.

Province of the *Massachusetts-Bay*,

The Day of A. D.

*Borrowed and Received of the Sum of for the Use and Service of the Province of the* Massachusetts-Bay, *and in Behalf of said Province, I do hereby promise and oblige my self and Successors in the Office of Treasurer, to repay to the said or to his Order, the Day of A. D. the aforesaid Sum of in Spanish mill'd Dollars at* Six Shillings *each, or in the several Species of coined Silver and Gold enumerated in an Act made and passed in the twenty-third Year of his late Majesty King* George *the Second, Intituled,* An Act for ascertaining the Rates at which coined Silver and Gold, English Half-Pence and Farthings may pass within the Government; *and according to the Rates therein mentioned; with Interest annually at* six per Cent.

Witness my Hand,

A. B.
C. D. } Committee. H. G. *Treasurer.*
E. F.

Which Form, (except as is hereafter provided) shall be printed upon the most suitable Paper that can from Time to Time be provided by the Treasurer, and a suitable Border round the same; and also the Words, *Province of the Massachusetts-Bay*, the Word *Committee*, and the Words, *Witness my Hand*, shall be struck off from a Copper Plate, which the Treasurer likewise is impowered and directed to procure; and each Blank before it is filled up shall be stamped in some convenient Part of it with a Stamp of a new Form, to be procured by the Treasurer for that Purpose.

Committee to sign the new Notes.

And be it further enacted, That a Committee of Three, shall from Time to Time be appointed by the General Court, who shall sign all the Blanks at the left Hand, as in the Form aforesaid is prescribed, before the Treasurer fill them up; and the said Treasurer and the said Committee, are also impowered and directed to dispose of the Custody of said Copper Plate and

and Stamp in such Manner, as in their Discretion shall appear most likely to prevent any Frauds or Counterfeits; and the said Committee and all Persons to be employed in the Printing, Engraving or Stamping of said Blanks, shall be under Oath to the faithful Discharge of their respective Trusts.

Old Notes to be exchanged.

**And be it further enacted**, That the Treasurer be, and he is hereby impowered and directed upon the Request of the Possessor or Possessors of any of his Receipts or Obligations, for Money borrowed for the Use of the Province which are now outstanding, and not payable at the Time of such Requests, to take such Receipts and Obligations up, and to give the Possessor or Possessors in Lieu thereof, new Receipts or Obligations for such Sum or Sums as are contained in the Receipts or Obligations so taken up, or shall give one new Receipt for any such Number of old ones, as the Possessor shall request to have in one new Receipt or Obligation, taking Care to pay the Interest up to the Time of exchanging such old Receipts or Obligations; which new Receipts or Obligations shall be made payable at the same Periods with those taken up: Provided none of said new Receipts be for less than *Six Pounds*. And all the Funds established or appropriated by any Act or Acts of this Province, for the Redemption and Payment of any such old Receipts or Obligations, are hereby confirmed, and shall remain established and appropriated to the Redemption and Payment of the new Receipts and Obligations to be given in the Form prescribed by this Act; and such new Receipts and Obligations shall to all Intents and Purposes avail the Possessor, as if he were possessed of the Receipts or Obligations so to be given up.

Records confirmed.

No further Interest to be allowed on Notes payable after the last of *June*.

**And be it further enacted**, That no Possessor or Possessors of any of the Treasurer's Notes, Receipts or Obligations now payable, or that may become payable before the last Day of *June* next, shall receive any Interest upon such Receipt or Obligation for any longer Term than until the last Day of *July* next.

Notes now outstanding to be paid in Silver if not exchanged.

*Provided always*, That all the Treasurer's Notes which are now outstanding and unpaid, and which the Possessors will not exchange for Notes of the abovementioned Form shall at the several Periods of Payment be paid according to the Face of such outstanding Notes, and all such as promise Silver shall be paid in Silver at *six Shillings and eight Pence* per Ounce, or Spanish mill'd Dollars at *six Shillings* each; and the Treasurer is hereby directed to pay the same accordingly.

Such Notes to be brought in to be stamped.

**And be it further enacted**, That all the Possessors of the Treasurer's Notes who do not chuse to have them exchanged for Notes of the new Form, shall some Time before the last Day of *June* next bring such Notes to the Treasurer's Office, and have them stamped, and an Account taken of them by the Treasurer, and a Committee to be appointed by the General Court; and no Interest shall be paid upon any such Treasurer's Notes Receipts or Obligations not brought in as aforesaid, for any longer Time than until the last Day of *July* next; which Notes so stamped shall be returned to the Possessors, and the Account so taken shall be signed by said Committee, and by them transmitted to the General Court.

*BOSTON, N. E.*

Printed by S. KNEELAND, by Order of his Excellency the GOVERNOR, COUNCIL and House of REPRESENTATIVES.
M,DCC,LXII.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of his Majeſty's Province of the *Maſſachuſetts-Bay*, in *New-England*, Begun and held at *Boſton*, upon Wedneſday the twenty-ſeventh Day of *May*, 1761. and continued by ſundry Prorogations unto Wedneſday the fourteenth Day of *April* following and then met.

## CHAP. XXV.

An Act for impowering *Jaſper Mauduit*, Eſq; and in Caſe he is prevented by Sickneſs, Death, or any other Way, *Richard Jackſon*, Jun. Eſq; to receive any Sum or Sums of Money that are or may be due or payable in *Great-Britain*, to the Province of the *Maſſachuſetts-Bay*.

WHEREAS *the Parliament of* Great-Britain, *have granted* Two Hundred Thouſand Pounds *Sterling, to enable His Majeſty to make a proper Compenſation to the reſpective Colonies in* North-America, *for the Expences incurred by them, in Levying, Cloathing and Pay of the Troops raiſed by them reſpectively, in the Year* One Thouſand ſeven Hundred and ſixty. Preamble.

*And whereas it is humbly hoped that the Parliament will make a Grant to the ſaid Colonies, for the Expences incurred as aforeſaid in the Year* One Thouſand ſeven Hundred and ſixty-one, *and that will be incurred the preſent Year* One Thouſand ſeven Hundred and ſixty-two:

Be it enacted by the Governor, Council and Houſe of Repreſentatives, That *Jaſper Mauduit*, Eſq; Agent for this Province in *Great Britain*, and in Caſe he is prevented by Sickneſs, Death or any other Way, *Richard Jackſon*, Jun. Eſq; be, and is hereby authorized and impowered to receive the whole and every Part of the Sum or Sums that are or ſhall be aſſigned by His Majeſty to the Province of the *Maſſachuſetts-Bay*, out of any Grant made, or to be made as aforeſaid; and upon Receipt thereof, to give a full Diſcharge therefor, to the Right honourable the Lords Commiſſioners of the Treaſury, or to any Perſon or Perſons whatſoever, who may have the ſame, or any Part thereof, in his or their Hands or Poſſeſſion: And that the ſaid *Jaſper Mauduit*, Eſq; impowred and in Caſe, *Richard Jackſon*, Jun. to receive Money.

*Jaſper Mauduit*, or *Richard Jackſon*, purſue ſuch Inſtructions as they ſhall reſpectively receive from the General Court, with Regard to the Tranſportation of the ſame to this Province.

Province Treaſurer to receive it upon its arrival.

And be it further enacted, That the Treaſurer of the Province for the Time being, be and he is hereby fully authorized and inpowered to demand and receive the whole and every Part of ſuch Sum or Sums of Money from the Commander of any Veſſel, on Board of which the ſame ſhall be ſhip'd, on the arrival thereof within this Government.

*And whereas there may be Monies belonging to the Province in the Hands of* William Bollan, *Eſq; or other Perſons in* Great-Britain:

*Jaſper Mauduit*, Eſq; and in Caſe, *Richard Jackſon*, Jun. Eſq; to receive Papers, &c of Mr. *Bollan*.

Be it enacted, That the ſaid *Jaſper Mauduit*, Eſq; and in Caſe he is prevented by Sickneſs, Death or any other Way, the ſaid *Richard Jackſon*, Jun. Eſq; be and hereby is authorized and impowered to demand of and receive from the ſaid *William Bollan*, Eſq; or any other Perſon all Monies in his or their Hands belonging to the Province; and alſo to receive of the ſaid *William Bollan*, Eſq; all Papers in his Hands relative to the Affairs of the Province.

## CHAP. XXVI.

## An Act for altering the Times of holding the General Seſſions of the Peace, and the Inferiour Court of Common Pleas, for the Counties of *Cumberland* and *Lincoln*.

Times for holding *Cumberland* and *Lincoln* Courts altered.

BE it enacted by the Governor, Council and Houſe of Repreſentatives, That in this preſent Year, and every Year for the future, the General Seſſions of the Peace, and Court of Common Pleas for the County of *Cumberland*, be holden, and they are hereby ordered to be holden and kept at *Falmouth*, on the third Tueſday of *May*, and the ſecond Tueſday of *October*: Any Law to the contrary notwithſtanding.

And be it further enacted That in this preſent Year, and every Year for the future, the General Seſſions of the Peace and Inferior Courts of Common Pleas for the County of *Lincoln*, be holden, and they are hereby ordered to be holden and kept at *Pownalborough*, on the firſt Tueſday of *June*, and the laſt Tueſday of *September*: Any Law to the contrary notwithſtanding.

And be it further enacted, That all Writs and Proceſſes already iſſued returnable to the Courts aforeſaid, at the Times hitherto appointed by Law for holding ſaid Courts reſpectively, and all Matters depending in ſaid Courts, ſhall be proceeded on at the Times reſpectively appointed by this Act for holding the reſpective Courts aforeſaid: And all Officers and other Perſons concerned, are hereby required to conform themſelves accordingly.

*BOSTON: N. E.*

Printed by S. KNEELAND, by Order of his Excellency the GOVERNOR, COUNCIL and Houſe of REPRESENTATIVES.

M,DCC,LXII.

# Acts and Laws,

Passed by the Great and General Court or Assembly of his Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and held at *Boston*, upon Wednesday the twenty-sixth Day of *May*, 1762.

## CHAP. I.

### An Act for Incorporating the Plantation called *New-Marblehead* in the County of *Cumberland* into a Town by the Name of *Windham*.

Preamble.

*WHEREAS it is represented to this Court by the Grantees of the Plantation called* New-Marblehead *in the County of* Cumberland, *that the Inhabitants thereof labour under many Inconveniencies by their not being Incorporated into, and invested with the Powers and Privileges of a Town:* Therefore,

*Windham* Bounds.

**Be it enacted by the Governor, Council and House of Representatives,** That the whole of the said Plantation bounded as follows, *viz.* beginning at a Place called *Sacarippy-Falls*, in *Pesumscot-River*, and so as the River runs, to a great Pond, called *Chebago-Pond*, thence North forty five Degrees East four Miles and one Hundred and twenty Poles; thence South forty five Degrees East to the Head Line of *North-Yarmouth*; thence South forty five Degrees West on said Head Line, three Miles to the Place where the Towns of *Falmouth* and *North-Yarmouth* do meet and join; thence South twenty-four Degrees and twenty Minutes West on the Head Line of *Falmouth*, seven Miles and sixty Poles to *Sacarippy-Falls* first mentioned; be and hereby is erected into a Town by the Name of *Windham*: Provided the Lines above-mentioned do not include more than the original Grant of said Township: And that the Inhabitants thereof be, and hereby are invested with all the Powers and Priviledges that Towns in this Province do enjoy; and that *Stephen Longfellow*, Esq; be and hereby is impowered to issue his Warrant to some principal Inhabitant of said Plantation, requiring him in his Majesty's Name to notify and warn the said Inhabitants, duly qualified to vote in Town Affairs, to convene at such Time and Place in said Plantation as by said Warrant shall be appointed, then and there to chuse proper Officers to serve till their next *March* Meeting, according to Law.

Proviso.

Town Meeting to be warned.

## CHAP. II.

### An Act for Incorporating the new Plantation called *New-Hingham* into a Town by the Name of *Chesterfield.*

Preamble.

WHEREAS *the Proprietors of the new Plantation called* New-Hingham *are under such Circumstances that they cannot carry on their publick Affairs without the Aid of this Court, they being originally two Proprieties as to their Property, and have never been united into one Propriety as to their publick Affairs:*

*Chesterfield* Bounds.

Be it therefore enacted by the Governor, Council and House of Representatives, That the new Plantation called *New-Hingham*, lying in the County of *Hampshire*, bounded as follows, East on the Township of *Hatfield*, South partly on *Northampton*, and partly on Land lately sold by the Province, North partly on Province Lands, and partly on a Grant made to *Narragansett Number Four*, and extending West to make twenty three Thousand and forty Acres, exclusive of *Colman*'s-*Grant*, which contains six Hundred Acres; be and hereby is Incorporated into a Town, by the Name of *Chesterfield*, with all the Powers, Priviledges and Immunities, that Towns within this Government have or do enjoy.

Taxes to be raised.

And be it further enacted, That all Taxes to be raised within said Town for settling a Minister, building a Meeting-House, clearing and repairing Roads, be levied upon the several Proprietors of said Plantation according to their Interest, until the further Order of this Court, and that said Inhabitants proceed by the same Rules in levying and collecting said Taxes as Proprietors in new Plantations are by Law obliged to observe.

Town Meeting to be warned.

And be it further enacted, That *Samuel Mather*, Esq; be and hereby is impowered to issue his Warrant to some principal Inhabitant of said Plantation, requiring him to call a Meeting of said Inhabitants, in order to chuse such Officers as by Law Towns are impowered to chuse in the Month of *March* annually.

## CHAP. III.

### An Act for erecting the West Precinct of *Rutland*, known by the Name of the West Wing of *Rutland*, into a District by the Name of *Oakham.*

Preamble.

WHEREAS *the Inhabitants of the West Precinct of* Rutland *(so called) in the County of* Worcester, *having represented to this Court the great Difficulties and Inconveniencies they labour under in their present Situation, have earnestly requested that they may be incorporated into a District:*

*Oak-ham* Bounds.

Be it therefore enacted by the Governor, Council and House of Representatives, That the said West Precinct, bounded as follows, *viz.* Easterly on the Town of *Rutland*, Northerly on *Rutland* District, Westwardly on *New-Braintree* District, and Southerly partly on said *New-Braintree* District, and partly on *Brookfield*, be and is hereby Incorporated by the Name of *Oakham*: And that the said District, be and hereby is invested with all the Powers, Priviledges

viledges and Immunities that Towns in this Province by Law do or may enjoy, that of sending a Representative to the General Assembly only excepted: And that the Inhabitants of said District shall have Liberty from Time to Time, to join with the Town of *Rutland* in chusing a Representative; and shall be notified of the Time and Place of Election in like Manner with the Inhabitants of the said Town of *Rutland*, by a Warrant from the Select-Men of the said Town, directed to a Constable or Constables of the said District, requiring him or them to warn the Inhabitants to attend the Meeting at Time and Place assigned; which Warrant shall be seasonably returned by the said Constable or Constables; and the Representative may be chosen indifferently from the said Town or District; the Pay or Allowance to be borne by the Town and District in Proportion as they shall from Time to Time pay to the Province Tax. To join with *Rutland*, in choosing a Representative.

And be it further enacted, That *John Murray*, Esq; be and hereby is directed and impowered to issue his Warrant, directed to some principal Inhabitant within said District, requiring him to warn the Inhabitants of said District, qualified to vote in Town Affairs, to assemble at some suitable Time and Place in said District, to chuse such Officers as are necessary to manage the Affairs of said District. Town Meeting to be warned.

*Provided nevertheless*, the Inhabitants of said District, shall pay their proportionable Part of all such County and Province Charges as are already assessed upon them by the Town of *Rutland*, in like Manner as tho' this Act had not been made. Proviso.

## CHAP. IV.

## An Act for Incorporating the East Side of *Saco-River* in the Town of *Biddeford* into a separate District, by the Name of *Pepperrellborough*.

WHEREAS *the Inhabitants on the East Side of* Saco-River *in the Town of* Biddeford, *in the County of* York, *have represented to this Court the great Difficulties and Inconveniencies they labour under in their present Situation, and have earnestly requested that they may be invested with the Powers, Priviledges and Immunities of a District:* Preamble.

Therefore,

Be it enacted by the Governor, Council and House of Representatives, That all the Lands in the Town of *Biddeford* lying on the East Side of *Saco-River* in the County of *York*, together with an Island in the said River, commonly called and known by the Name of *Indian-Island*, be and hereby is erected into a separate and distinct District by the Name of *Pepperrellborough*, bounded with the same Bounds as the Town of *Biddeford* now is on the East Side of *Saco-River*; and that the said District be, and hereby is invested with all the Priviledges, Powers and Immunities, that Towns in this Province by Law do or may enjoy, that of sending a Representative to the General Assembly only excepted; and that the said District shall have full Liberty and Right from Time to Time, to join with the Town of *Biddeford* in chusing a Representative to represent them at the General Assembly, and shall be notified of the Time and Place of Election in like Manner with the Inhabitants of the said Town of *Biddeford*, by a Warrant from the Select-Men of the said Town, directed to a Constable or Constables of the said District, requiring him or them to warn the Inhabitants to attend the Meeting at Time and Place assigned; which Warrant shall be seasonably returned by the said Constable or Constables: And *Pepperrellborough* Bounds. To join with *Biddeford* in choosing a Representative.

the

the Representative may be chosen indifferently from the said Town or District, the Pay or Allowance to be born by the Town and District in Proportion as they shall from Time to Time pay to the Province Tax.

Proviso. *Provided nevertheless*, And be it further enacted, That the said District shall pay their Proportion of all Town, County and Province Taxes already set or granted to be raised on the Town of *Biddeford* aforesaid, as if this Act had not been made.

Town Meeting to be warned. And be it further enacted, That *Rishworth Jordan*, Esq; be and hereby is impowered to issue his Warrant to some principal Inhabitant of said District, requiring him to notify and warn the Inhabitants of said District, qualified by Law to vote in Town Affairs, to meet at such Time and Place as shall be therein set forth, to chuse all such Officers as shall be necessary to manage the Affairs of said District.

*BOSTON, N. E.*

Printed by S. KNEELAND, by Order of his Excellency the GOVERNOR, Council and House of REPRESENTATIVES.

M,DCC,LXII.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of his Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*: Begun and held at *Boſton*, upon Wedneſday the twenty-ſixth Day of *May*, 1762. And continued by Prorogations to Wedneſday the eighth of *September* following, and then met.

## CHAP. V.

## An Act for erecting the South Part of *Brimfield* in the County of *Hampſhire* into a Diſtrict, by the Name of *South-Brimfield*.

*WHEREAS the Inhabitants of the South Part of* Brimfield *in the County of* Hampſhire, *have repreſented to this Court the great Difficulties and Inconveniences they labour under in their preſent Situation, and have earneſtly requeſted that they may be incorporated into a Diſtrict:* Preamble.

**Be it therefore enacted by the Governor, Council and Houſe of Repreſentatives,** That the ſaid South Part of *Brimfield*, bounded as follows, *viz.* Beginning with the firſt Bounds in the Colony Line at the Southweſt Corner of *Sturbridge*, being the Southeaſt Corner of *Brimfield*; from thence to run firſt North in the Line between ſaid *Brimfield* and *Sturbridge*, to the North Line of the Farm called *Winthrop's Farm*, being four Miles; thence to run Weſt about eight Degrees North in the North Line of ſaid Farm, to the Northweſt Corner thereof, and ſo to extend the ſame Courſe or a Parallel Line with the Colony Line, to the Eaſt Line of *Monſon-Diſtrict*, being about ſix Miles and an Half; then to turn and run South in the Line between ſaid *Brimfield* and *Monſon* to the Colony Line, being four Miles; and from thence in ſaid Colony Line to the firſt mentioned Boundary; be and is hereby incorporated into a diſtinct and ſeperate Diſtrict by the Name of *South-Brimfield*; and that the ſaid Diſtrict be and hereby is inveſted with all the Priviledges, Powers and Immunities, that Towns in this Province do, and by Law may enjoy, that of ſending a Repreſentative to the General Aſſembly only excepted: and that the Inhabitants of ſaid Diſtrict ſhall have full Power and Right from *South-Brimfield* Bounds.

to join with *Brimfield* in chuſing Repreſentatives.

Time to Time to join with the Town of *Brimfield*, in the Choice of a Repreſentative or Repreſentatives; in which Choice they ſhall enjoy all the Priviledges which the Inhabitants of the ſeveral Towns within this Province are intituled to; and that the Select-Men of the Town of *Brimfield*, as often as they ſhall call a Meeting for the Choice of a Repreſentative, ſhall give ſeaſonable Notice to the Clerk of ſaid Diſtrict for the Time being, of the Time and Place of ſaid Meeting, to the End that the ſaid Diſtrict may join them therein: And the Clerk of ſaid Diſtrict ſhall ſet up in ſome publick Place in ſaid Diſtrict, a Notification thereof accordingly; which Repreſentatives may be choſen indifferently from ſaid Town or Diſtrict, the Pay and Allowance to be born by ſaid Town and Diſtrict; and the Diſtrict of *Monſon* in Proportion as they ſhall from Time to Time pay to the Province Tax.

Proviſo.

*Provided nevertheleſs*, And be it further enacted, That the ſaid Diſtrict ſhall pay their Proportion of all Town, County and Province Taxes, already ſet on or granted to be raiſed by ſaid Town of *Brimfield*, as if this Act had not been made.

Diſtrict Meeting to be notified.

And be it further enacted, That *Joſiah Dwight*, Eſq; be and hereby is impowered to iſſue his Warrant directed to ſome principal Inhabitant in ſaid Diſtrict, requiring him to notify and warn the Inhabitants of ſaid Diſtrict, qualified by Law to vote in Town Affairs, to meet at ſuch Time and Place as ſhall be therein ſet forth, to chuſe all ſuch Officers as ſhall be neceſſary to manage the Affairs of ſaid Diſtrict.

## CHAP. VI.

## An Act for Incorporating a certain Tract of Land in the County of *Lincoln* into a Townſhip by the Name of *Bowdoinham*.

Preamble.

WHEREAS *the Inhabitants of a certain Tract of Land lying on the Weſt Side of* Kennebeck-River *in the County of* Lincoln, *are deſirous of enjoying the Priviledges that will ariſe to them by being Incorporated into a Town:*

*Bowdoinham* Bounds.

Be it enacted by the Governor, Council and Houſe of Repreſentatives, That the Tract of Land aforeſaid, butted and bounded as follows, *viz.* Beginning upon *Kennebeck-River* on the Northerly Line of a Lot of Land containing thirty two Hundred Acres, being Lot Number *Four*, granted by the Proprietors of the *Kennebeck-Purchaſe* from the late Colony of *New-Plymouth*, to *William Bowdoin*, Eſq; the Line aforeſaid being about four Miles above or to the Northward of a Point of Land called *Abagaduſſet-Point*, which makes the moſt Northerly Part of *Merrymeeting-Bay* in ſaid River, and where ſaid Bay begins on that Side: From thence, *viz.* from the River aforeſaid where ſaid Line ſtrikes it, to run a Weſt Northweſt Courſe upon the Northerly Line of the Lot aforeſaid, five Miles; and from the End of ſaid five Miles to run a South Southweſt Courſe till it ſhall ſtrike a Line running from the Southweſterly End of *Brick-Iſland*, a Weſt Northweſt Courſe into the Land (this Line being the Southerly Line of a Tract of Land granted by the Proprietors aforeſaid to *James Bowdoin*, Eſq;) and from thence running an Eaſt South-eaſt Courſe upon the laſt mentioned Line to the Southweſterly End of the Iſland aforeſaid, which lies in *Merrymeeting-Bay*, and contains about ten Acres more or leſs; and from thence running (including ſaid Iſland) to *Abagaduſſet-Point* aforeſaid; and from thence up the River aforeſaid

aforesaid to the Line first mentioned; be and hereby is erected into a Town-ship by the Name of *Bowdoinham*: And that the Inhabitants thereof be and hereby are invested with all the Powers, Priviledges and Immunities which the Inhabitants of the Towns within this Province respectively do, or by Law ought to enjoy. Town Priviledges.

And be it further enacted, That *William Lithgow*, Esq; be, and he hereby is impowered to issue his Warrant directed to some principal Inhabitant in said Township, to notify and warn the Inhabitants in said Township qualified by Law to vote in Town Affairs, to meet at such Time and Place as shall be therein set forth, to choose all such Officers as shall be necessary to manage the Affairs of said Township. Town Meeting to be notified.

*BOSTON, N. E.*

Printed by S. KNEELAND, by Order of His Excellency the GOVERNOR, COUNCIL and House of REPRESENTATIVES.
M,DCC,LXII.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of his Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*: Begun and held at *Boſton*, upon Wedneſday the twenty-ſixth Day of *May*, 1762. and continued by Prorogations to Wedneſday the twelfth of *January* following, and then met.

## CHAP. VII.

## An Act for the more ſafe keeping the Records of the ſeveral Courts of Juſtice in this Province.

Preamble.

*WHEREAS Complaints have been frequently made to this Court, that the ſeveral Clerks of the Courts of Juſtice, and Regiſters to the Courts of Probate in this Government, have been remiſs and negligent in keeping up the Records of ſaid Courts, whereby great Miſchiefs have ariſen:*

For preventing whereof for the future:

Clerks of the Superior Court to give Bond.

**Be it enacted by the Governor, Council and Houſe of Repreſentatives,** That from and after the firſt Day of *June* next, the ſeveral Clerks of the Superiour Court of Judicature, Court of Aſſize and General Goal Delivery, that are now appointed by ſaid Court, ſhall give Bond, to be approved of by the Juſtices of the ſaid Court, in the Sum of *One Hundred Pounds*, with one or more Sureties, to the Province Treaſurer, for the faithful Diſcharge of their Truſt, and to keep up the Records of ſaid Court ſeaſonably and in good Order.

Clerks of the Courts of General Seſſions Inferior Court and Regiſters of Probate to give Bond.

**And be it further enacted,** That the ſeveral Clerks of the ſeveral Courts of General Seſſions of the Peace, and of the ſeveral Courts of Common Pleas, and the ſeveral Regiſters of Probate in this Province, that are now appointed, are hereby enjoined to give their ſeveral Bonds, to be approved of by the Juſtices of the General Seſſions of the Peace in the ſeveral Counties reſpectively, at their next Term after the firſt Day of *June* next, with one or more ſufficient Sureties, for the Sum of *One Hundred Pounds*, to the County Treaſurer of their ſeveral Counties, for the faithful Diſcharge of their reſpective Truſts, and keeping up the ſeveral Records of the reſpective Courts they are appointed to, either as Clerk or Regiſter, as aforeſaid.

Penalty

**And be it further enacted,** That it ſhall be adjudged a Forfeiture of either of the Bonds aforeſaid, for any of ſaid Clerks or Regiſters, or thoſe that may be appointed to either of thoſe Offices (Sickneſs or any extraordinary Caſual-

ties excepted) that shall not have their Records all compleated within six Months at any one Time after the first Day of *June* next; and any Clerk or Register hereafter to be appointed to either of said Offices that shall not give Bond as aforesaid (before he or they enter on their respective Offices) or that shall incur a Forfeiture of their Bond, shall and hereby are declared incapable of holding either of the respective Offices aforesaid.

*And to render this Act more effectual for the Purposes aforesaid:*

Justices and Judges to inspect the Records.

Be it further enacted, That the Justices and Judges of the several Courts afore-mentioned, are hereby required to inspect the Conduct of their several Clerks and Registers with Respect to the Records aforesaid; and upon any Deficiency as aforesaid, such Judge and Justices shall give Information thereof to the Treasurer who has the Delinquent's Bond in keeping, which Treasurer being so informed shall forthwith put such Delinquent's Bond in Suit; and the Money recovered on such Suit, shall be applied for bringing up the deficient Records, under the Direction of the respective Judge or Judges of the Court or Courts where such Deficiency shall happen; and if there be a Surplusage of such Fine, it shall be applied to the Use of the County where the Defect of the Records happens; and if the Fine shall be insufficient for the Purpose aforesaid, the Estate of the deficient Clerk or Register shall be held liable to pay the same.

Clerks & Registers Estates held liable.

## CHAP. VIII.

## An Act for erecting a new Plantation in the County of *Hampshire* called *Roxbury-Canada*; together with sundry Farms lying therein; also a Piece of Land belonging to this Province lying on the Northerly Side thereof, into a Town by the Name of *Warwick*.

Preamble.

WHEREAS *the new Plantation called* Roxbury-Canada *in the County of* Hampshire, *labours under many Difficulties and Inconveniencies by Means of their not being a Town:*

Therefore,

Town of *Warwick* incorporated.

Be it enacted by the Governor, Council and House of Representatives, That the said new Plantation called and known by the Name of *Roxbury-Canada*, together with sundry Farms lying therein; and a Piece of Land lying on the Northerly Side of said Township belonging to this Province; the whole bounded, West on *Northfield*, South partly on *Ervingshire*, and partly on *Athol*, Easterly on *Royalshire*, Northerly on the Province Line; be and hereby is erected into a Town by the Name of *Warwick*, and that said Town be and hereby is invested with all the Powers, Privileges and Immunities that any of the Towns in this Province do or may by Law enjoy.

*And whereas the Inhabitants of said new Plantation have petitioned the General Court, that there might be a Tax of* one Penny *per Acre laid on all private Property in said Township, for defreying the Charges that have and may arise within the same; and the Proprietors and Inhabitants having agreed thereto, for the Space of three Years, on the Conditions following, viz. That the said Inhabitants shall become obliged to pay their Reverend Pastor Mr.* Lemuel Hedge *his Salary for the future, so as fully to indemnify the said Proprietors from any further Charges respecting the same:*

Provision for paying the present Ministers Salary.

Be it therefore enacted, That there be and hereby is granted a Tax of *one Penny* per Acre to be levied and assessed upon all Lands that are private Property in said Township, for the Term of three Years next ensuing, to the Support of the Minister, and other necessary Charges within the same, on Conditions that said Inhabitants shall speedily become obliged to their said Reverend Pastor for his Support in the Ministry amongst them, so as fully to discharge the Proprietors from any further Demands on Account thereof (except it be by the further Orders of this Government.)

And

And be it further enacted, That *Seth Field*, Eſq; be and hereby is impowered to iſſue his Warrant, directed to ſome principal Inhabitant of ſaid Town, requiring him to warn the Inhabitants of ſaid Town, qualified to vote in Town Affairs, to aſſemble at ſome ſuitable Place in ſaid Town, to chuſe all neceſſary Officers to manage the Affairs of ſaid Town, and to aſſeſs levy and collect the aforeſaid Land Tax. Inhabitants to be warned.

## CHAP. IX.

An Act confirming to ſundry Perſons ſundry Lands by them purchaſed of the Indians at *Chriſtian-Town*, ſo called, on the Iſland of *Martha*'s-*Vineyard*.

WHEREAS *divers Engliſh Perſons have made Purchaſes of the Indians, Proprietors of Lands in* Chriſtian-Town, *ſo called, on the Iſland of* Martha's-Vineyard, *without Liberty for that Purpoſe firſt had and obtained of the Great and General Court, contrary to a Law of this Province made and paſſed in the thirteenth Year of the Reign of King* William *the Third, and contrary to the Tenor of the original Grant to the Indians called the praying Indians, by Reaſon whereof all ſuch Deeds given by the Indians are null and void:* Preamble.

*Yet inaſmuch as ſaid Engliſh Purchaſers have by their Deed bearing Date the ſecond Day of* September, One Thouſand ſeven Hundred ſixty two, *duly executed, and recorded in the Records of Deeds for the County of* Dukes-County, *and in the Book of Laws in the Secretary's Office, diſclaimed to the Indian Proprietors of ſaid* Chriſtian-Town, *their Pretenſion to a great Part of the ſaid Lands, which Lands ſo diſclaimed by the Engliſh Purchaſers are become ſo much better by the Improvements they have made upon them as to render them to be nearly equal in Value to the whole of the ſaid Lands when ſold by the Indians:*

Be it enacted by the Governor Council and Houſe of Repreſentatives, That all the Lands purchaſed of the Indians lying in *Chriſtian-Town*, the Deeds whereof were Recorded in the Records of Deeds for the County of *Dukes County*, at any Time before the twenty-ſecond of *Auguſt* One Thouſand ſeven Hundred and ſixty one, not re-conveyed by the Engliſh to the Indians as by their Deed dated the ſecond of *September* One Thouſand ſeven Hundred and ſixty two, and Recorded in the Records of Deeds for the County of *Dukes-County*, ſhall be and hereby are confirmed to ſaid Grantees reſpectively and their reſpective Heirs, and be to them an Eſtate in Fee Simple, as fully to all Intents and Purpoſes whatſoever, as if ſaid Grantees had obtained the Liberty of the General Court to purchaſe the ſame. Indian Deeds for Lands in *Criſtian-Town* confirmed.

## CHAP. X.

An Act impowering the Aſſeſſors of the Town of *Chilmark* for the Time being, to apportion the Province, County and Town Taxes, not already made on the Owners of ſuch Stock (liable by Law to be taxed) that have been, or ſhall be kept in ſaid Town, or on the Iſlands thereto belonging.

WHEREAS *the Aſſeſſors of the Town of* Chilmark *in their laſt Valuation gave in the Stock in ſaid Town, and on the Iſlands belonging to the ſame, which was the Property of a Number of the Inhabitants of the Town of* Dartmouth, *and of ſeveral other Towns within the Province, and which Stock the ſaid Town of* Dartmouth, *and the other Towns, did not give in, in their laſt Valuation:* Preamble.

In order therefore, that Juſtice may be done to the Town of *Chilmark* aforeſaid;

Stock on the Islands belonging to *Chilmark* how to be raised.

Be it enacted by the Governor, Council and House of Representatives, That the Assessors for the Town of *Chilmark*, for the Time being, be and hereby are authorized and impowered to assess the Owners of said Stock, and of any other Stock that from Time to Time shall be kept thereon both Summer and Winter, as fully to all Intents and Purposes whatever, as if the Owners were Inhabitants of *Chilmark*; and the Taxes thus laid may be collected and recovered in the same Way and Manner as the same might have been before the Act, Intituled *An Act for apportioning and assessing the several Sums that were laid on the several Towns within this Government at their Session in* May *last*: and it shall not be lawful for the Select-Men or Assessors of the Town of *Dartmouth*, or of the other Towns, to assess the Owners of said Stock for the same.

## CHAP. XI.

## An Act in further Addition to an Act for the orderly consummating of Marriages; made and passed in the fourth Year of the Reign of their late Majesties King *William* and Queen *Mary*.

Preamble.

*WHEREAS there are several Parishes within this Province that have been, and hereafter may be made out of two adjacent Towns or more, and the settled and ordained Ministers in such Parishes, have not Power by Law to solemnize Marriages in those Parts of their respective Parishes that do not belong to the Town in which they themselves dwell, which in many Respects hath been found by Experience to be very inconvenient:*

Wherefore,

Ministers impowered to marry without their Parishes.

Be it enacted by the Governor, Council and House of Representatives, That the Power granted to Ministers to join Persons together in Marriage, be hereby enlarged, and that every settled and ordained Minister in any of the Parishes and Districts in this Province, though they may be composed of Parts of several Towns, shall be, and are hereby fully authorized and impowered to solemnize Marriages betwixt Persons that may lawfully enter into such a Relation, within the Bounds of their respective Parishes, in as ample a Manner as they may lawfully do in the several Towns in which they dwell.

## CHAP. XII.

## An Act in Addition to an Act Intituled *An Act against Adultery and Polygamy*.

Preamble.

*WHEREAS in and by an Act made and passed in the sixth Year of King* William *and Queen* Mary *Intituled* An Act against Adultery and Polygamy, *it is among other Things enacted, "That if any "Man be found in Bed with another Man's Wife, the Man and Woman "so offending being thereof convicted, shall be severely whipped, not exceeding "thirty Stripes, unless it appears upon Trial that one Party was surprized "and did not consent, which shall abate the Punishment as to such Party:"*

For the more effectual preventing the Crime aforesaid.

Penalty for a Man's being in Bed with another's Wife.

Be it enacted by the Governor, Council and House of Representatives, That when and so often as any Person shall be convicted of the Crime aforesaid upon any Law or Laws of this Province, it shall and may be lawful for the Justices of the Court of Assize and General Goal Delivery, before whom such Conviction shall be had, to Sentence such Offender to pay a Fine not exceeding *One Hundred Pounds*, and in default thereof to be Imprisoned not exceeding six Months, or be whipped not exceeding thirty Stripes.

*BOSTON, N. E.* Printed by S. Kneeland, by Order of his Excellency the Governor, Council and House of Representatives. 1763.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of his Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*: Begun and held at *Boſton*, upon Wedneſday the twenty-fifth Day of *May*, 1763.

## CHAP. I.

### An Act for incorporating the fourth Pariſh of *Springfield*, in the County of *Hampſhire*, into a ſeparate Town, by the Name of *Wilbraham*.

*WHEREAS the Inhabitants of the fourth Pariſh in ſaid* Springfield, *have repreſented to this Court, that they labour under great Inconveniencies and Difficulties in attending on the publick Affairs of the ſaid Town, by Reaſon of their great Diſtance from the uſual Place where they are tranſacted, &c. And that they are increaſed to ſuch Numbers, that it may be fitting they ſhould be incorporated into a ſeparate Town; and have accordingly petitioned this Court therefor:* Preamble.

Be it therefore enacted by the Governor, Council and Houſe of Repreſentatives, That the ſaid fourth Pariſh in ſaid *Springfield*, with the Addition of half a Mile Weſt from the Weſt Line of ſaid Pariſh, from *Chicopee-River* on the North, to the Northerly Line of the Townſhip of *Somers* on the South, be erected into a ſeparate Town, by the Name of *Wilbraham*: And that the Inhabitants of ſaid Town, be inveſted with all the Powers and Priviledges that Towns in this Province enjoy by Law; that of ſending a Repreſentative to this Court only excepted. And that the ſaid Town ſhall have full Right and Liberty from Time to Time, to join with ſaid Town of *Springfield*, in the Choice of Repreſentatives, to repreſent them at the General Aſſembly. And that the ſaid Town of *Wilbraham*, ſhall from Time to Time be at their proportionable Part of the Expence of ſuch Repreſentatives, and the Freeholders and other Inhabitants of *Wilbraham*, ſhall be notified of the Time and Place of Election, in like Manner as the Inhabitants of ſaid *Springfield*, by a Warrant from the Select-Men of ſaid

Bounds of the Town of *Wilbraham*.

To join with *Springfield* in the Choice of Repreſentatives.

*Springfield*, directed to the Conſtable of ſaid *Wilbraham*, directing him to warn the Inhabitants of ſaid *Wilbraham*, to attend the ſaid Meeting at the Time and Place therein aſſigned; and that the Pay of ſuch Repreſentatives, be born by ſaid Towns of *Springfield* and *Wilbraham*, in the ſame Proportion from Time to Time, as they pay to the Province Tax.

*And in order effectually to prevent any future Diſpute that might otherwiſe ariſe betweenthe ſaid Towns of* Springfield *and* Wilbraham *reſpecting their joint Intereſts or joint Duties:*

*Wilbraham* Town—Priviledges and Duties.

**Be it enacted**, That the ſaid Town of *Wilbraham*, ſhall enjoy the two Miniſtry and School Lots in ſaid Town, in full Satisfaction of their Share in the Miniſtry and School Lands in ſaid Town of *Springfield*, and of the Money and Debts due to ſaid Town: That they pay their due Proportion of the Town Debts already contracted; and have their due Proportion of the Town Stock of Ammunition: That they pay to the Support of the preſent Poor of ſaid Town of *Springfield* (now ſupported at the Town Charge) *eleven Pounds* in one Hundred, ſo long as they ſhall continue a Charge to ſaid Town: And that this Act ſhall not be conſtrued to hinder or prevent any Perſons, Inhabitants of ſaid *Springfield* from cutting Timber, or taking the Herbage or Stone, on any of the Lands in ſaid *Wilbraham*, ſo long as they remain unfenced, any more than if this Act had not been made.

Town Meeting to be warned.

**And be it further enacted**, That *John Worthington*, Eſq; be and hereby is impowered and directed to iſſue his Warrant, directed to ſome principal Inhabitant of ſaid *Wilbraham*, requiring him to warn the Inhabitants of ſaid Town, qualified to vote in Town Affairs, to aſſemble at ſome ſuitable Time and Place in ſaid Town, to chooſe ſuch Officers as may be neceſſary to manage the Affairs of ſaid Town, which at ſuch Meeting they are hereby impowered to chooſe.

Proviſo, reſpecting Taxes

*Provided nevertheleſs*, The Inhabitants of ſaid *Wilbraham*, ſhall pay their proportionable Part of all ſuch Province and County Taxes, as are already ſet upon them by the ſaid Town of *Springfield*, in like manner as tho' this Act had not been made.

Tax on *Springfield* and *Wilbraham*, proportioned.

**And be it further enacted**, That of the Sum ſet on the Town of *Springfield*, as their Proportion with other Towns; to a Tax of *One Thouſand Pounds*, for the future the ſaid Town of *Springfield*, ſhall retain the Sum of *Eleven Pounds two Shillings and ten Pence two Farthings*; and that there be ſet on the ſaid Town of *Wilbraham*, the Sum of *One Pound thirteen Shillings and ſix Pence*, as their Rate or Proportion for their Payment of publick Taxes.

## CHAP. II.

## An Act to incorporate the North Precinct in *Eaſtham*, into a Diſtrict, by the Name of *Wellfleet*.

Preamble.

*WHEREAS the Inhabitants of the North Precinct in* Eaſtham, *in the County of* Barnſtable, *have repreſented to this Court, the great Difficulties and Inconveniencies they labour under in their preſent Situation, and have earneſtly requeſted, that they may be Incorporated into a diſtinct Diſtrict:*

**Be it therefore enacted by the Governor, Council and Houſe of Repreſentatives**, That the North Precinct in *Eaſtham*, in the County of *Barnſtable*,

*ſtable*, according to the known Bounds of ſaid Precinct, be and hereby is, incorporated into a Diſtrict, by the Name of *Wellfleet*, excepting the Eſtate of *Silvanus Snow*, and the Inhabitants dwelling or who ſhall dwell thereon which are to remain to the Town of *Eaſtham*, and to the South Precinct in ſaid Town, ſaid *Snow* paying his Part or Proportion of all paſt Taxes in the ſaid North Precinct, that remain unpaid: And that the ſaid Diſtrict be and hereby is inveſted with all the Priviledges, Powers and Immunities that Towns in this Province, do or may enjoy, excepting the Priviledge of chuſing a Repreſentative, to repreſent them in the Great and General Court, in chuſing of whom, the Inhabitants of ſaid Diſtrict ſhall join with the Inhabitants of the ſaid Town of *Eaſtham*, as heretofore hath been uſual; and alſo in paying ſaid Repreſentative; the Select-Men of the Town of *Eaſtham*, from Time to Time to warn the Inhabitants of ſaid Diſtrict, of the Time and Place of the Meeting for the Choice of a Repreſentative, by iſſuing their Warrant to one or more of the Conſtables of the ſaid Diſtrict, requiring them to warn and give publick Notice thereof to the ſaid Inhabitants.

Bounds of the Diſtrict of *Wellfleet*.

To join with *Eaſtham* in the Choice of Repreſentatives.

*Provided nevertheleſs*, The ſaid Diſtrict ſhall pay their proportional Part of all ſuch Town, County and Province Charges as are already aſſeſſed upon the Town of *Eaſtham*; and alſo reſerving to the Inhabitants of ſaid Town, the Priviledges by them heretofore enjoyed, of all Ways to, and of erecting Houſes on the Beaches and Iſlands for the Conveniency of the Fiſhery of all Kinds, and of Anchorage and of landing all Goods or Wares, at any of their common landing Places in any of the Harbours of ſaid *Eaſtham*, in like Manner as they might have done, if this Act had never been made and paſſed.

Proviſo, reſpecting Taxes & Priviledges.

And be it further enacted, That *John Freeman*, Eſq; be and hereby is impowered to iſſue his Warrant to ſome principal Inhabitant of the ſaid Diſtrict, requiring him to call the firſt Meeting of the ſaid Inhabitants, in order to chooſe ſuch Officers as by Law Towns are impowered to chooſe in the Month of *March* annually.

First Diſtrict-Meeting to be warned.

## CHAP. III.

An Act for recording ſuch Papers proper to be recorded, that have been exhibited to, and received by the Superior Court of Judicature, Court of Aſſize and General Goal Delivery, or by the ſeveral Judges of Probate of Wills, and granting Letters of Adminiſtrations, or by the reſpective Courts of General Seſſions of the Peace, and Inferior Courts of Common Pleas, and for Recording all Judgments or Decrees of ſaid Court or Courts, where the Clerk or Clerks, Regiſter or Regiſters of ſaid Court or Courts are deceaſed, leaving the ſame not recorded.

BE it enacted by the Governor, Council and Houſe of Repreſentatives, That the Juſtices of the Superior Court of Judicature, Court of Aſſize and General Goal Delivery; the Judges of the Probate of Wills, and granting Letters of Adminiſtrations; the Juſtices of the Court of General Seſſions of the Peace, and the Inferior Court of Common Pleas; are hereby reſpectively impowered and enjoined, where any Clerk or Regiſter of either of the beforementioned Courts are deceaſed, leaving any Papers,

Papers to be recorded in the ſeveral Courts of Law and Court of Probates.

Eſtates of deficient Clerks or Regiſters liable to defrey the Charge of recording.

Papers, Judgments or Decrees unrecorded in either of ſaid Courts, which are proper to be recorded, forthwith, to cauſe the ſame to be put upon Record, by ſuch Perſon or Perſons as they ſhall employ for that Purpoſe; the Charge ariſing therefrom, to be paid out of the Eſtate of ſuch deficient Clerk or Regiſter, provided there is a Sufficiency left therefor; and the ſurvivingClerk or Regiſter is hereby impowered and enjoined to proſecute for, and recover the ſame; but where there is not a Sufficiency of Eſtate left to defrey the Charge aforeſaid, if ſuch Charge hath ariſen by the Neglect of the Clerk or Clerks of ſaid Superior Court, the ſame ſhall be paid out of the Province Treaſury; if through the Neglect of the Regiſter or Regiſters, Clerk or Clerks of the Court of Probate, the Court of General Seſſions of the Peace, or Inferior Court of Common Pleas, then ſuch Charge ſhall be paid by the County where ſuch deficient Regiſter or Clerk lived and ſuſtained ſaid Office. And the Succeſſors of the Clerks of Regiſters aforeſaid, are hereby reſpectively impowered and required to demand and receive, ſue for, and recover the Papers, Judgments and Decrees aforeſaid, that ſo the ſame may be recorded according to the Directions in this Act made and provided.

Former Clerks or Regiſters now living, if deficient, to defrey the Charge.

**And be it further enacted**, That if any one that has been a Clerk or Regiſter of either of the Courts aforeſaid, that may be ſtill ſurviving, and not now in ſaid Office, hath been, and ſtill continues deficient in any Inſtance beforementioned, that in every ſuch Caſe, the ſame Power is hereby given to each of the Courts aforeſaid, as by this Act is provided, where the deficient Clerks or Regiſters may be dead; and every Perſon that has been Clerk or Regiſter, and hath been, and ſtill continues deficient as aforeſaid, ſhall be liable and hereby is ſubjected to pay all ſuch Coſts and Charges as may ariſe from ſuch his Neglect; and the ſurviving Clerk or Regiſter, is hereby impowered and enjoined to proſecute for and recover the ſame.

## CHAP. IV.

## An Act in Addition to the Acts already made for the more ſpeedy Extinguiſhment of Fire, and preſerving Goods endangered by it.

Preamble.

*WHEREAS in and by an Act made and paſſed in the eighteenth Year of the Reign of his late Majeſty King* George *the Second, Intituled*, An Act for the more ſpeedy Extinguiſhment of Fire, and preſerving Goods endangered by it, *It is enacted*, "That the ſeveral "Towns within this Province, may, if they ſee Meer, at their anniverſary "Meeting in *March* annually, appoint a ſuitable Number of Perſons, not "exceeding Ten, who ſhall be denominated Fire-Wards, whoſe particular "Buſineſs ſhall be to take Care, and Govern at Fires (which from Time to "Time may break out) as in and by ſaid Act, they are directed and impow-"ered to do." *And in and by an Act paſſed in the twenty-fifth Year of his late Majeſty: The Town of* Boſton *are impowered to chooſe, if they ſee fit, two Perſons for Fire-Wards, over and above the Number they were impowered to chooſe by the Act paſſed in the eighteenth Year of the Reign aforeſaid. And Whereas it is apprehended it would greatly ſerve the ſaid Town of* Boſton, *if their Numbers were ſtill increaſed:*

Town of *Boſton* may elect ſixteen Fire-Wards.

**Be it enacted by the Governor, Council and Houſe of Repreſentatives**, That it ſhall and may be lawful for the Town of *Boſton* (who at preſent have twelve Fire-Wards) at any Town Meeting warned for that Purpoſe, to elect and appoint four more meet Perſons as Fire-Wards, who ſhall

ſhall ſerve in that Office, 'till their anniverſary Meeting in *March* next, and from thence forward (as they ſhall ſee cauſe) to chooſe ſixteen Perſons for that Purpoſe annually, who ſhall do the Duty, and be inveſted with the like Powers and Priviledges as Fire-Wards in and by the ſaid Acts are inveſted.

## CHAP. V.

### An Act to enable Juſtices out of Court, to grant Licence in certain Caſes, to Retail ſtrong Liquors, and to keep Houſes of publick Entertainment; and thereby to prevent unneceſſary Petitions to the General Court.

BE it enacted by the Governor, Council and Houſe of Repreſentatives, That when it ſhall happen that any licenced Innholder or Retailer, ſhall be deceaſed before the Year be expired, for which Licence ſhall have been granted, and the Widow of the Deceaſed (if ſuch there be) or other Perſon improving ſuch licenced Houſe, ſhall deſire to exerciſe ſaid Employment therein, the Remainder of the Year, and ſhall make Application to two Juſtices of the Peace (*Quorum Unus*) in the County where ſuch Houſe ſhall be, ſuch Juſtices are hereby impowered and enabled to grant Licence to ſuch Perſon, making Application for ſuch Licence for the Remainder of the Year; provided ſuch Perſon be ſuitably qualified therefor, and recommended by the Select-Men of the Town, in Manner as the Law directs. Juſtices to grant Licences in certain Caſes.

*Provided always*, That the Perſon ſo licenced, ſhall Recognize before ſaid Juſtices with Sureties as the Law directs, for his or her keeping good Rule and Order, and duly paying the Exciſe, before they exerciſe the ſaid Employment. Proviſo.

## CHAP. VI.

### An Act to enable the Court of General Seſſions of the Peace for the County of *Barnſtable*, to grant Licences to Innholders and Retailers in that County, on the laſt Tueſday of *June* annually.

WHEREAS by Law, *the Time for granting Licences to Innholders and Retailers, is fixt at the firſt General Seſſions of the Peace that ſhall be held and kept in Courſe within the ſeveral Counties (in this Province) at or next after the nine and twentieth Day of* June *annually: And it ſometimes ſo happens that in the County of* Barnſtable, *the Court of Seſſions appointed by Law to be held on the laſt Tueſday of* June, *is the Licence Court, and ſometimes is not, as the Law now ſtands, which is found inconvenient to the County:* Preamble.

Be it therefore enacted by the Governor, Council and Houſe of Repreſentatives, That for the future, the Court of General Seſſions of the Peace for the County of *Barnſtable* be, and they are hereby impowered to grant Licences to Innholders and Retailers in ſaid County, at their Seſſions on the laſt Tueſday of *June* annually, altho' it ſhould ſo fall out, that ſaid Seſſion happen to be before the twenty ninth Day of *June*. Licences to be granted on the laſt Tueſday of *June*.

## CHAP. VII.

### An Act for the better regulating of the Service of Executions, more especially in the remote Counties of the Province.

Preamble.

*WHEREAS the Inferior Court of Common Pleas in several of the Counties of this Province, are by Law held twice only in the Year, so that Executions upon Judgments obtained in such Counties (at said Courts) are returnable but once in six Months, whereby the Creditor is or may be kept for a long Time out of his just Debt; while in the other Counties of the Province, the Writs are returnable every three Months:*

Executions, how to be made out.

Be it therefore enacted by the Governor, Council and House of Representatives, That from and after the Publication of this Act, the Clerks of the Inferior Court of Common Pleas in and for the said Counties, are hereby authorized and directed to make all Executions, on Judgments obtained in said Courts, returnable into the said Clerks Office, within three Months from the Date thereof; and the Clerk of said Courts is further authorized upon the return of such Execution, to renew or make out an alias Execution for the whole or the Remainder, as the Case may be returnable at the next Inferior Court, to be held in and for such Counties.

*BOSTON: N. E.*

Printed by S. KNEELAND, by Order of His Excellency the GOVERNOR, COUNCIL and House of REPRESENTATIVES.

M, DCC, LXIII.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of his Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*: Begun and held at *Boſton*, upon Wedneſday the twenty-fifth Day of *May* 1763, and continued by Prorogations to Wedneſday the twenty-ſecond Day of *December* next, and then met.

## CHAP. VIII.

An Act in Addition to and for rendering more effectual the ſeveral Acts of this Province for regulating the Buildings in the Town of *Boſton*, and preventing Fire in the ſaid Town.

*WHEREAS by an Act made in the fourth Year of the Reign of* King William *and Queen* Mary, *Intituled* "An Act for building "with Stone or Brick in the Town of *Boſton, and preventing Fire*"; *it is (among other Things) ordered and enacted, That in all void and unbuilt Places which ſhall after be improved for Building, or when at any Time any total Conſumption or Deſolation, ſhall happen in any Street or Lane within the ſaid Town, it ſhall be in the Power of the Juſtices of the Peace of the ſaid Town then in being, together with the Select-men, or the major Part of both, to ſtate and lay out ſuch Streets, Ways and Paſſages as may be moſt for the Conveniency and Accommodation of the Place; as alſo where any Deſolation hath happened, to regulate and inlarge other narrow and crooked Lanes, or Paſſages; and where any particular Perſon ſhall have their Lands taken away, or leſſened thereby, a Jury of twelve Men ſhall be appointed by two Juſtices of the Peace, and ſworn to aſcertain the Value thereof; to be paid by the Perſon to whoſe Land the ſame ſhall be added, or by the Neighbourhood or Town, in Proportion to the Benefit or Conveniency any ſhall have thereby: But no Proviſion is made for proportioning or aſſeſſing the Value of ſuch Lands upon or between the ſaid Town and the Perſons accommodated or benefited thereby, nor for any Perſon ſo deprived of their Lands, to recover ſuch Value thereof:* Preamble.

Wherefore for providing a more effectual Remedy in that Behalf:

Jury to appraize Land taken off or added how to be appointed.

**Be it enacted by the Governor, Council and House of Representatives,** That in all Cases where the Lands of any Person shall be so taken away, and added or annexed to any of the Streets in the said Town, or to the Lands of any particular Person, two Justices of the Peace for the County of *Suffolk*, one to be of the Quorum, shall in five Days after Application made to them in Writing by the Owner or Owners of such Lands so taken away, or by some other Person in their Behalf, appoint and summon a Jury of twelve meet Persons to appraise and ascertain the Value of such Lands, and to estimate the Damage and Loss thereby sustained by the Owner or Owners thereof; and also to estimate the Benefit and Advantage that may accrue to any particular Persons thereby, which shall be paid to the Party endamaged by the Party or Parties-so benefited, or by the said Town, or by both in such Proportion as by such Jury shall be found reasonable, who shall be under Oath, and shall give in their Report in Writing under their Hands of such Valuations and Estimations to the said Justices, immediately after finishing the same; and the said Justices shall within five Days at fartheſt deliver the same Report to one or more of the Select-men of the said Town, to be safely kept on File from thence forward.

Report to be filed

The same Rules to be observed, where Land has been already taken off.

**And be it further enacted,** That in any Case where the Lands of any Person or Persons have been already set off and annexed to any Street in the said Town, and valued pursuant to the aforesaid Act, the Owner or Owners thereof not having been paid or recompenced for the same, the Method herein above provided shall in every respect be observed for recompencing such Loss and Damage; saving that the Jury to be appointed shall not be charged or obliged to value such Lands anew.

Damages to be paid.

**And be it further enacted,** That the Damages so estimated and assessed and reported by such Jury, shall be paid to the respective Owners of the Land that are or shall be so taken from them, either by the said Town, or by the Persons whose Lands are or shall be accommodated and bettered thereby, or by both in such Proportion as shall be expressed in the Report of such Jury; and for the Non-payment thereof within ten Days after such Report shall be delivered, as aforesaid, and Demand made, every Owner of such Land so set off and annexed, may have an Action for the same against the Party or Parties so neglecting to pay their several Proportions aforesaid.

Action allowed in Case of Nonpayment.

Cost of Valuation to be paid by the Town.

**And be it further enacted,** That the Cost and Charges attending the making the Valuations, Estimates and Assessments in the Cases aforesaid, shall be born and paid by the Town aforesaid.

## CHAP. IX.

## An Act for erecting Part of the Town of *Newbury* into a new Town by the Name of *Newbury-Port.*

Preamble.

*WHEREAS the Town of* Newbury *is very large, and the Inhabitants of that Part of it who dwell by the Water-side there, as it is commonly called; are mostly Merchants, Traders and Artificers, and the Inhabitants of the other Parts of the Town are chiefly Husbandmen, by means whereof many Difficulties and Disputes have arisen in managing their publick Affairs:*

Bounds of *Newbury-Port.*

**Be it enacted by the Governor, Council and House of Representatives,** That that Part of the Town of *Newbury*, and the Inhabitants thereof included within the following Line; namely, beginning at *Merrimack-River*, against the North-easterly End of the Town-way commonly called *Cottles-Lane*,

*Lane*, and running as the ſaid Lane doth on the eaſterly Side of it to the high Way, commonly called the High Street, and ſo Weſterly as the ſaid high Way runs on the Northerly Side thereof, till it comes to a Townway known by the Name of Fiſh Street, and thence Southweſterly as the Way goes, and on the eaſterly Side thereof leading by *Benjamin Moodey*'s, to a Place called the Weſt Indies, until it interſects a ſtreight Line drawn from the Southerly Side of the high Way againſt *Cottle's* Lane aforeſaid to a Rock in the great Paſture near the dividing Line between the third and fifth Pariſhes there, and ſo as the ſaid ſtreight Line goes until it comes to the dividing Line aforeſaid, and from thence as the ſaid dividing Line runs by the ſaid fifth Pariſh down to *Merrimack-River*, and thence along ſaid River to the Place firſt mentioned, be, and hereby are conſtituted and made a diſtinct Town by the Name of *Newbury-Port*, and veſted and endowed with all the Powers, Priviledges and Immunities that the Inhabitants of any of the Towns within this Province do or ought by Law to enjoy; ſave that they ſhall have the Right of chuſing and ſending from time to time but one Perſon to repreſent them in the Great and General Court of this Province.

*Newbury Port* made a Town.

*And whereas the whole Town of* Newbury *were by Law impowered to ſend two Repreſentatives to the General Court:*

Preamble.

Be it further enacted, That the Inhabitants of the remaining Part of the Town of *Newbury* aforeſaid ſhall for the future have a Right to chuſe and ſend no more than one Perſon to repreſent them from time to time in the Great and General Court of this Province; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

*Newbury* to ſend but one Repreſentative.

And be it further enacted, That the Aſſeſſments heretofore made on the Inhabitants of the undivided Town of *Newbury* by the Aſſeſſors are hereby ratified and confirmed, notwithſtanding any deficiency therein; And the ſeveral Collectors to whom they were committted are hereby required and impowered to levy and collect the ſame; any thing in this Act to the contrary notwithſtanding.

Aſſeſſments confirmed.

And be it further enacted, That the Select-men of the undivided Town of *Newbury* who from time to time have acted as Treaſurers, ſhall make a fair Settlement and Adjuſtment of their Accounts; and if any Ballance ſhall be remaining in their Hands, the Inhabitants of the Town of *Newbury-Port* ſhall have and receive their juſt and due Proportion thereof; and if upon ſuch Settlement the undivided Town of *Newbury* ſhall be in Arrears, the Inhabitants of the Town of *Newbury-Port* ſhall pay their juſt and due Proportion thereof.

Accounts of the undivided Town to be ſettled.

And be it further enacted, That the Inhabitants of *Newbury-Port* ſhall pay to the Inhabitants of the ſeparate Town of *Newbury* their juſt and equal Proportion of the publick Buildings that on this Diviſion ſhall fall within the Limits of *Newbury-Port* aforeſaid: And that the Inhabitants of the ſeparate Town of *Newbury* ſhall pay to the Inhabitants of *Newbury-Port* their juſt and equal Proportion of the publick Buildings that on this Diviſion are not within the Limits aforeſaid: The ſeveral Proportions aforeſaid to be ſettled and adjuſted according to the Province Tax which was laid by the Aſſeſſors next after the laſt Valuation taken.

*Newbury-Port* to pay, towards public Buildings.

And be it further enacted, That the Inhabitants of *Newbury-Port* ſhall from time to time amend and repair a certain Bridge over the River *Artichoke*, which they will have Occaſion frequently to paſs and repaſs, altho' the ſame Bridge is not included within the Limits of *Newbury Port* aforeſaid.

*Newbury-Port* to keep in Repair a certain Bridge.

And be it further enacted, That nothing in this Act ſhall any way affect, change or alter any of the Lines of the ſeveral Pariſhes within what was heretofore the Town of *Newbury*, but that the ſame ſhall be and remain as heretofore by Law eſtabliſhed, any thing in this Act to the contrary notwithſtanding.

Lines of Pariſhes not to be altered.

And

Inferior Court &c. to be held at *Newbury-Port*.

**And be it further enacted**, That the Inferiour Court of Common Pleas, and the Court of General Sessions of the Peace by Law appointed to be held at *Newbury* on the last Tuesday of *September* annually, shall for the future be held in *Newbury-Port* on the last Tuesday of *September* annually, and to all Intents and Purposes shall be considered as when held in the Town of *Newbury* as aforesaid, any Law to the contrary notwithstanding.

First Town Meeting how to be called.

**And be it further enacted**, That *John Choate*, Esq; be and hereby is directed and impowered to issue his Warrant to some principal Inhabitant of *Newbury-Port* requiring him to notify and warn the Inhabitants of the said *Newbury-Port*, qualified by Law to vote in Town Affairs, to meet at such Time and Place as shall therein be set forth, to chuse all such Officers as any of the Towns within this Province by Law have a right to chuse, which Officers shall take the respective Oaths by Law required by them to be taken.

Poor of the undivided Town, how to be supported.

**And be it further enacted**, That if any Person or Persons heretofore belonging to the undivided Town of *Newbury* aforesaid, and removed from thence and shall be returned thither again, and become a publick Charge, the same shall be paid by the two Towns aforesaid in Proportion to the Province Tax laid on them from time to time.

## CHAP. X.

## An Act for erecting a Town in the County of *Lincoln*, by the Name of *Topsham*.

Preamble.

WHEREAS *the Inhabitants settled on a Tract of Land situate on the Easterly Side of* Androscoggin-River, *lying convenient for a Town, hitherto called and known by the Name of* Topsham, *within the County of* Lincoln, *have humbly petitioned this Court, that for the Reasons therein mentioned, they may be Incorporated into a Town, and vested with the Powers and Authorities belonging to other Towns:*

Therefore for the Encouragement of said Settlement:

Bounds of *Topsham*.

**Be it enacted by his Excellency the Governor, Council and House of Representatives in General Court assembled**, That the said Tract of Land described as follows, *viz.* to begin upon the Southerly Line of the Town of *Bowdoinham*, where said Line strikes the Water, and from thence to run a West Northwest Course upon said *Bowdoinham* Line, as far as it goes, and from thence on the same streight Course to *Little-River* so called, which is about eight Miles from the Water aforesaid, and from thence Southwardly down said *Little River* to *Androscoggin* River, and down said *Androscoggin* River to Merry-meeting Bay, and from thence to the Line of *Bowdoinham* aforesaid, including several small Islands or Islets lying in said *Androscoggin* River, between the said *Little-River* and the Falls at *Brunswick* Fort, be, and hereby is erected into a Town to be called *Topsham*, and the Inhabitants thereof shall have and enjoy all such Immunities and Privileges as other Towns in this Province have and do by Law enjoy.

First Town Meeting how to be called.

**And be it further enacted**, That *Aaron Hinkley*, Esq; be and hereby is impowered to issue his Warrant to some principal Inhabitant of the said Town of *Topsham*, requiring him in his Majesty's Name to warn and notify the said Inhabitants qualified to vote in Town Affairs, to meet together at such Time and Place in said Town as shall be appointed in said Warrant, to chuse such Officers as the Law directs, and may be necessary to manage the Affairs of said Town; and the Inhabitants being so met shall be and hereby are impowered to chuse such Officers accordingly.

CHAP.

## CHAP. XI.

## An Act for setting off the Inhabitants, as also the Estates of the Westerly Part of *Lunenburg* into a separate Town by the Name of *Fitchburg*.

BE it enacted by the Governor, Council and House of Representatives, That the Inhabitants with their Lands, on the Westerly Part of *Lunenburg*; beginning at such a Place on *Leominster* Line, as that a strait Line therefrom may run between the Lands of Messieurs *Paul Witherby* and *Jonathan Wood*, to a Stake and Stones a small Distance to the Westward of *Mary Holt*'s House; then turning and running North ten Degrees and an half East to the Southeast Corner of *Ephraim Whitney*'s Land; then to keep the Eastwardly Line of said *Whitney*'s Land to the Northeast Corner thereof; and from that Corner to run Northwardly on the Eastwardly Line of *John White*'s Land to the Northeasterly Corner thereof; and from that Corner to run North four Degrees East to *Townshend* Line; then running West thirty one Degrees and an half North on *Townshend* Line to *Dorchester-Canada* Line; then turning South nine Degrees West eight Miles, and an Hundred and forty Rods on *Dorchester Canada* Line to *Westminster* Line; then turning East eleven Degrees thirty Minutes South, three Miles and thirty one Rods to a Heap of Stones in *Leominster* Line; then turning and running to the Bounds first mentioned; be and hereby is set off and erected into a separate Town by the Name of *Fitchburg*, and that the said Town be invested with all the Powers, Priviledges and Immunities that other Towns in this Province do or may by Law enjoy, that of sending a Representative to the General Assembly only excepted; and that the Inhabitants of said Town shall have full Power and Right from Time to Time to join with the said Town of *Lunenburg* in the choice of a Representative or Representatives, and be subject to pay their proportionable Part of the Charge (who may be chosen either in the Town of *Lunenburg* or Town of *Fitchburg*) in which Choice they shall enjoy all the Priviledges which by Law they would have been intitled to, if this Act had not been made: And the Select-men of the Town of *Lunenburg* shall issue their Warrant to one or more of the Constables of the Town of *Fitchburg*, requiring them to notify the Inhabitants of the Town of *Fitchburg* of the Time and Place of their meeting for such Choice.

Bounds of *Fitchburg*.

Erected into a Town.

Representative how to be chosen.

*Provided nevertheless*, and be it further enacted, That the said Town of *Fitchburg* shall pay their Proportion of all Town, County and Province Taxes already set on, or granted to be raised by said Town of *Lunenburg*, as if this Act had not been made.

To pay their Proportion of Charges with *Lunenburg*.

And be it further enacted, That *Edward Hartwell*, Esq; be and hereby is impowered to issue his Warrant, directed to some principal Inhabitant in said Town of *Fitchburg*, requiring him to notify and warn the Inhabitants of said Town qualified by Law to vote in Town Affairs, to meet at such Time and Place, as shall be therein set forth, to chuse all such Officers as shall be necessary to manage the Affairs of said Town.

First Town Meeting how to be called.



*BOSTON, N. E.*
Printed by S. KNEELAND, by Order of His Excellency the GOVERNOR, Council and House of REPRESENTATIVES.
M,DCC,LXIV.

# Acts and Laws,

Passed by the Great and General Court or Assembly of his Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and held at *Concord*, upon Wednesday the thirtieth Day of *May*, 1764.

## CHAP. I.

An Act in Addition to, and Explanation of the several Acts of this Province, providing for the Support and Maintenance of the Poor.

*WHEREAS a Doubt has arisen on an Act passed in the fourth Year of King* William *and Queen* Mary, *Intituled* An Act for regulating of Townships, Choice of Town Officers, and setting forth their Power; *whether the Justices of the Peace in the Court of Quarter Sessions, have Power to assess the Relations of a poor Person within the Degrees mentioned, for any Cost accrued before Application to the Court of Sessions, or for any Costs that one of the Relations of a poor Person may have been at, for the Support of such poor Persons, before they are cast upon the Town:* Preamble.

Be it therefore enacted by the Governor, Council and House of Representatives, That the Justices of the Court of Quarter Sessions, shall, and hereby are enabled from Time to Time, to assess the Relations within the Degrees mentioned in the aforesaid Act of King *William* and Queen *Mary*, for any Cost or Charges incurred by one Relation of a poor Person, for the Support of such poor Person, before such poor Person shall be so burthensome as to be cast upon the Town; as also for any Costs incurred by the Maintenance of any poor Person before Application made to the Sessions; provided, that no Assessment shall be made in favour of any particular Relation or Town, for any Support for more than two Years preceeding such Application to the Court of Quarter Sessions. Quarter Sessions to assess the Relations for Support of poor Persons in certain Cases. Proviso.

## CHAP. II.

## An Act for erecting the Plantation called *Ipswich-Canada* into a Town by the Name of *Winchendon.*

Preamble.

WHEREAS *the Inhabitants of the Plantation, called* Ipswich-Canada, *in the County of* Worcester, *labour under many Difficulties and Inconveniencies by Means of their not being a Town:* Therefore,

The Town of *Winchendon* constituted.

Be it enacted by the Governor, Council and House of Representatives, That the Plantation commonly called and known by the Name of *Ipswich-Canada*, in the County of *Worcester*, bounded as follows, viz. South twelve Degrees West seven Miles and two Hundred Rods on *Dorchester-Canada*; West eighteen Degrees, South two hundred and seventy Rods on *Westminster*; North thirty-six Degrees West four Miles and two hundred and twenty Rods on *Templetown* Line; North seventy-eight Degrees West six hundred Rods on *Templetown* Line; North twelve Degrees East four Miles and two hundred and sixty Rods on *Royalshire*; South seventy-eight Degrees West six Miles on *Royalshire* Line; be and hereby is erected into a Town, by the Name of *Winchendon*: And that the Inhabitants thereof be, and hereby are invested with all the Powers, Priviledges and Immunities, which the Inhabitants of the Towns within this Province do or may enjoy.

A Tax of *one Penny* per Acre granted for three Years.

And be it further enacted, That there be laid on the Lands already laid out in the said Town of *Winchendon*, a Tax of *one Penny* per Acre, for the Term of three Years.

Meeting of the Inhabitants to be warned.

And be it further enacted, That *Edward Hartwell*, Esq; be and hereby is impowered to issue his Warrant, directed to some principal Inhabitant in said Town, requiring him to warn the Inhabitants of the said Town, qualified to vote in Town Affairs, to meet at such Time and Place, as shall be therein set forth, to choose all such Officers as are or shall be required by Law to manage the Affairs of the said Town.

## CHAP. III.

## An Act in Addition to the Laws of this Province relating to Ways.

Preamble.

WHEREAS *in and by the Laws of this Province, the Justices in the Courts of General Sessions of the Peace in the respective Counties, are impowered in certain Cases to lay out particular and private Ways, but no Provision by Law is made for the Discontinuance of such Ways so laid, when they are found not to be necessary:*

Court of Sessions impowered to discontinue particular and private Ways.

Be it therefore enacted by the Governor, Council and House of Representatives, in General Court assembled, That it shall and may be lawful for the Justices of the respective Courts of General Sessions of the Peace, so often as occasion may require, upon Application made by any Parties aggrieved at the Continuance of such Ways, and all Parties interested in such Ways, being duly cited and heard, to discontinue any particular or private Way laid out as aforesaid.

*BOSTON:*

Printed by S. KNEELAND, by Order of His Excellency the GOVERNOR, COUNCIL and House of REPRESENTATIVES. MDCCLXIV.

# An Act of Parliament.

Paſſed in the Sixth Year of the Reign of His Majeſty King GEORGE the Second. 1733.

## CHAP. IV.

## An Act for the better ſecuring and encouraging the Trade of His Majeſty's Sugar Colonies in AMERICA.

WHEREAS the Welfare and Proſperity of Your Majeſty's Sugar Colonies in *America* are of the greateſt Conſequence and Importance to the Trade, Navigation, and Strength of this Kingdom: And whereas the Planters of the ſaid Sugar Colonies have of late Years fallen under ſuch great Diſcouragements, that they are unable to improve or carry on the Sugar Trade upon an equal Footing with the Foreign Sugar Colonies, without ſome Advantage and Relief be given to them from *Great-Britain*; for Remedy whereof, and for the Good and Welfare of your Majeſty's Subjects, we Your Majeſty's moſt dutiful and loyal Subjects, the Commons of *Great-Britain* aſſembled in Parliament, have given and granted unto Your Majeſty the ſeveral and reſpective Rates and Duties herein after mentioned, and in ſuch Manner and Form, as is herein after expreſſed; and do moſt humbly beſeech your Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by Authority of the ſame, That from and after the Twenty-fifth Day of *December*, One thouſand ſeven hundred and thirty three, there ſhall be raiſed, levied, collected, and paid, unto and for the Uſe of his Majeſty, His Heirs, and Succeſſors, upon all Rum or Spirits of the Produce or Manufacture of any of the Colonies or Plantations in *America*, not in the Poſſeſſion or under the Dominion of His Majeſty, His Heirs, and Succeſſors, which, at any Time or Times, within or during the Continuance of this Act, ſhall be imported or brought into any of the Colonies or Plantations in *America*, which now are, or hereafter may be, in the Poſſeſſion or under the Dominion of His Majeſty, His Heirs, or Succeſſors, the Sum of Nine pence, Money of *Great-Britain*, to be paid according to the Proportion and Value of Five ſhillings and Six pence the Ounce in Silver, for every Gallon thereof, and

Preamble.

After 25 *Dec.* 1733. 9*d. per* Gallon to be paid for Rum and Spirits made in the *American* Plantations not belonging to His Majeſty on Importation into the *Britiſh* Plantations,

and *6d. per* Gallon for Molaſſes and Syrups, and for Sugars and Paneles 5 *s per* c. wt

and after that Rate for any greater or leſſer Quantity; and upon all Molaſſes or Syrups of ſuch Foreign Produce or Manufacture, as aforeſaid, which ſhall be imported or brought into any of the ſaid Colonies or Plantations of or belonging to His Majeſty, the Sum of Six pence of like Money, for every Gallon thereof, and after that Rate for any greater or leſſer Quantity; and upon all Sugars and Paneles of ſuch Foreign Growth, Produce or Manufacture, as aforeſaid, which ſhall be imported into any of the ſaid Colonies or Plantations of or belonging to His Majeſty, a Duty after the Rate of Five ſhillings, of like Money, for every hundred Weight, *Avoiduꝑois*, of the ſaid Sugar and Paneles, and after that Rate for a greater or leſſer Quantity.

Duties how to be levied and collected, and by whom, to be paid in ready Money beforelanding

And for the better raiſing, levying, and collecting the ſaid Duties, it is hereby further enacted by the Authority aforeſaid, That upon the importation of any ſuch Goods, as aforeſaid, into any of the ſaid Colonies or Plantations belonging to the Crown of *Great-Britain*, an Entry or Entries ſhall be made with the Collector or other proper Officer of the Cuſtoms, or the Impoſt Officer, or proper Officer of the Exciſe, in the Port or Place where the ſame ſhall be imported, and that all and every the ſaid Duties hereby impoſed, for and upon all ſuch Rum, Spirits, Molaſſes, Syrups, Sugar, and Paneles, of ſuch Foreign Growth, Produce, or Manufacture, aforeſaid, which ſhall be imported into any of the ſaid Colonies or Plantations of or belonging to the Crown of *Great-Britain*, as aforeſaid, ſhall be paid down in ready Money by the Importers thereof, before the landing the ſame reſpectively.

The Goods landed before Entry and Payment of Duties or the Value, ſhall be forfeited,

and may be ſeized,

& proſecuted and recovered in any Court of Admiralty in the Plantations, or in any Court of Record there, where the Offence is committed.

Penalties and Forfeitures to be diſtributed *viz.* One third to His Majeſty for the Support of the Government, One third to the Governor, One third to the Proſecutor

And be it further enacted, That in caſe any of the ſaid Commodities ſhall be landed and put on Shore in any of his Majeſty's ſaid Colonies or Plantations in *America*, out of any Ship or Veſſel, before due entry be made thereof at the Port or Place where the ſame ſhall be imported, and before the Duties by this Act charged or chargeable thereupon ſhall be duly paid, or without a Warrant for the landing and delivering the ſame, firſt ſigned by the Collector, or Impoſt-Officer, or other proper Officer or Officers of the Cuſtom or Exciſe belonging to ſuch Port or Place reſpectively, all ſuch Goods as ſhall be ſo landed or put on Shore, or the Value of the ſame, ſhall be forfeited, and all and every ſuch Goods as ſhall be ſo landed or put on Shore, contrary to the true Intent and Meaning of this Act, ſhall and may be ſeized by the Governor or Commander in Chief, for the time being, of the Colonies or Plantations where the ſame ſhall be ſo landed or put on Shore, or any Perſon or Perſons by them authorized in that behalf, or by Warrant of any Juſtice of the Peace or other Magiſtrate (which Warrant ſuch Juſtice or Magiſtrate is hereby impowered and required to give upon Requeſt) or by any Cuſtom-Houſe Officer, Impoſt or Exciſe Officer, or any Perſon or Perſons him or them accompanying, aiding, and aſſiſting; and all and every ſuch Offence and Forfeitures ſhall and may be proſecuted for and recovered in any Court of Admiralty in His Majeſty's Colonies or Plantations in *America* (which Court of Admiralty is hereby authorized, impowered, and required to proceed to hear and finally determine the ſame) or in any Court of Record in the ſaid Colonies or Plantations where ſuch Offence is committed, at the Election of the Informer or Proſecutor, according to the Courſe and Method uſed and practiſed there in Proſecutions for Offences againſt penal Laws relating to Cuſtoms or Exciſe; and ſuch Penalties and Forfeitures, ſo recovered there, ſhall be divided as follows, *viz.* One third Part thereof for the Uſe of his Majeſty, his heirs, and Succeſſors, to be applied for the Support of the Government of the Colony or Plantation where the ſame ſhall be recovered, One third Part to the Governor or Commander in Chief of the ſaid Colony or Plantation, and the other third Part to the Informer or Proſecutor who ſhall ſue for the ſame.

And

And be it further enacted by the Authority aforesaid, That from and after the Twenty-fifth Day of *December* One thousand seven hundred and thirty three, no Sugars, Paneles, Syrups, or Molasses, of the Growth, Product, and Manufacture of any of the Colonies or Plantations in *America*, nor any Rum or Spirits of *America* (except of the Growth or Manufacture of His Majesty's Sugar Colonies there) shall be imported by any Person or Persons whatsoever into the Kingdom of *Ireland*, but such only as shall be fairly and *bona fide* loaden and shipped in *Great-Britain* in Ships navigated according to the several Laws now in being in that behalf, under the Penalty of forfeiting all such Sugar, Paneles, Syrups, or Molasses, Rum, or Spirits, or the Value thereof, together with the Ship or Vessel in which the same shall be imported, with all her Guns, Tackle, Furniture, Ammunition, and Apparel; and if any of the Commodities aforementioned shall be imported into *Ireland* contrary to the true Intent and Meaning of this Act, all and every such Commodities, with the Ship or Vessel wherein they shall be imported, and the Tackle, Ammunition, and Furniture thereof, shall and may be seized by the Lord Lieutenant, Lord Deputy, or Lords Justices, for the Time being, for the Kingdom of *Ireland*, or any Person or Persons authorized by him, them, or any of them, or by Warrant of any Justice of the Peace or other Magistrate (which Warrant such Justice or Magistrate is hereby impowered and required to give upon request) or by any Custom-House Officer, or Excise Officer, or any Person or Persons him, them, or any of them accompanying, aiding, and assisting, and all and every the said Offences committed against this Act may be prosecuted, and the Penalties and Forfeitures recovered, in any of His Majesty's Courts of Record at *Westminster*, or in *Dublin*, at the Election of the Informer or Prosecutor, by Bill Plaint or Information, wherein no Essoign, Protection, or Wager in Law shall be allowed, or any more than One Imparlance; and the Penalties and Forfeitures recovered on such Prosecution shall go and be divided and applied in Manner following, *viz.* One Moiety to the Use of his Majesty, His Heirs, and Successors, and the other Moiety to the Use of the Informer or Prosecutor.

No Sugars, &c except of the *British* Plantations, to be imported into *Ireland*, unless shipped in *Great-Britain* in Ships navigated according to Law, under the Penalty of forfeiting such Sugars, &c or the Value, and the Ship or Vessel, which may be seized,

& prosecuted at *Westminster* or *Dublin*.

One Moiety to His Majesty, the other to the Informer.

And it is hereby further enacted by the Authority aforesaid, That if any Person or Persons shall be aiding and assisting in bringing on Shore or Landing any such Sugar, Paneles, Syrups, or Molasses, Rum, or Spirits into the Kingdom of *Ireland*, or into any of his Majesty's Colonies or Plantations in *America*, contrary to the true Intent and Meaning of this Act, or shall receive into his, her, or their House or Custody, any of the Commodities afore-mentioned, knowing the same to be imported or landed, and brought on Shore, contrary to this Act, every such Person so offending shall forfeit treble the Value of such Goods, to be estimated and computed according to the best Price that each respective Commodity bears at the Place where any such Seizures shall be made, to be sued for, recovered, and applied in manner afore mentioned.

Persons assisting in such unlawful Importation, forfeit treble the Value of the Goods.

And be it further enacted, That if any Person or Persons shall hinder, molest, or resist, any Custom-House Officer, Impost or Excise Officer, or their or any of their Assistants, in the due Execution of his or their Duty in seizing or securing any of the Commodities afore mentioned, imported into the Kingdom of *Ireland*, or landed or put on Shore in any of the Colonies or Plantations in *America*, which now are, or hereafter may be, in the Possession or under the Dominion of His Majesty, His Heirs, or Successors, contrary to the Purport or true Meaning of this Act, he, she, or they shall forfeit and pay the Sum of Fifty Pounds, to be sued for, recovered, and applied in manner afore mentioned, and shall also be liable to be prosecuted for the same, by Indictment or otherwise, and being thereof found

50 *l.* Penalty on molesting an Officer in the Execution of his Duty.

And may also be prosecuted by Indictment

found guilty, ſhall be impriſoned for Three Months without Bail or Main-prize; and if any Officer or Officers of the Cuſtoms, Impoſt or Exciſe Officer or Officers, or their Aſſiſtants, ſhall be ſued or proſecuted for any Thing done in Execution of his or their Duty for the better and more effectual putting in Force this preſent Act, he or they may and ſhall plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence, and the Judges ſhall allow thereof; and if any Officer or Officers of the Cuſtoms or Exciſe, in the Kingdom of *Ireland*, or any Officer or Officers of the Cuſtoms, Impoſt, or Exciſe Office, in any of His Majeſty's Plantations or Colonies in *America*, ſhall willingly or knowingly connive at the fraudulent Importation, or landing and bringing on Shore, of any of the Commodities afore mentioned, contrary to the Purport and true Meaning of this Act, or ſuch Officer or Officers ſhall take upon him or them to ſeize any of the ſaid Commodities, and ſhall by Fraud or Colluſion deſiſt from or delay the Proſecution thereof to Condemnation, he or they ſo conniving, deſiſting, or delaying, ſhall forfeit and loſe the Sum of Fifty Pounds, to be ſued for, recovered, and applied in Manner aforeſaid, and ſuch Officer or Officers ſhall alſo be incapable of holding any Office or Imployment under his Majeſty, His Heirs or Succeſſors.

Officer if ſued may plead the General Iſſue.

Officer conniving at the fraudulent Importation, or Delays, proſecuting after Seizure, forfeits 50 *l.* and be made incapable of Imployment.

And it is hereby further enacted by the Authority aforeſaid, That if any of His Majeſty's Subjects, who is or ſhall be Maſter, or have the Charge of any Ship or Veſſel, ſhall take in, or permit, or ſuffer to be taken in, at Sea, or in any Creek or Harbour, or other Place, any Sugar, Paneles, Syrups, or Molaſſes, Rum, or Spirits, in order to be imported into *Ireland* or brought on Shore, and landed in any of his Majeſty's Plantations in *America*, contrary to the true Intent and Meaning of this Act, every ſuch Maſter, or other Perſon, ſo offending, ſhall forfeit and pay the Sum of One Hundred Pounds, to be ſued for, recovered, and applied in Manner herein before mentioned.

100 *l.* Penalty on Maſter of Ship, &c. permitting ſuch fraudulent Importation.

And be it further enacted, That upon all ſuits and Proſecutions for the Importation of any of the Commodities afore mentioned into the Kingdom of *Ireland*, or for the bringing on Shore and landing of any of the Commodities afore mentioned, in any of his Majeſty's Colonies or Plantations in *America*, contrary to the Purport and true Meaning of this Act, the *Onus probandi*, that the ſame and every Part thereof were fairly and *bona fide*, and without Fraud, loaden and ſhipped in *Great-Britain*, in Ships navigated according to the ſeveral Laws in being in that behalf, or that the Rum, or Spirits were made of the Growth or Manufacture of ſome of his Majeſty's Sugar Colonies in *America*, or that all and every the Commodities aforeſaid, which ſhall be imported into any of his Majeſty's Colonies or Plantations in *America*, were of the Growth, Produce, or Manufacture of his Majeſty's Colonies or Plantations there, or were duty entered, and had really and *bona fide* paid the Duties hereby charged and chargeable thereon, before the bringing on Shore and landing thereof in any of his Majeſty's Colonies or Plantations in *America*, ſhall lie on the Claimer or Owner thereof.

The *Onus probandi* in Suits or Proſecutions to lie on the Claimer or Owner.

And it is hereby further enacted by the Authority aforeſaid, That in caſe any Sugar, or Paneles of the Growth, Produce, or Manufacture of any of the Colonies or Plantations belonging to or in the Poſſeſſion of his Majeſty, His Heirs, or Succeſſors, which ſhall have been imported into *Great-Britain* after the Twenty-fourth Day of *June*, One thouſand ſeven hundred and thirty-three, ſhall at any Time, within one Year after the Importation thereof, be again exported out of *Great-Britain*, and that due Proof be firſt made, by Certificate from the proper Officers, of the due Entry and Payment of the Subſidies or Duties charged or payable upon the Importation

Sugar or Paneles of the *Britiſh* Plantations exported after 24 *June*, 1733. within one Year after the Importation on a proper certificate &c

Importation thereof, together with the Oath of the Merchant or his Agent importing and exporting the ſame, or in caſe ſuch Merchant or Agent ſhall be one of the People called *Quakers*, by his ſolemn Affirmation to the Truth thereof, and that all other Requiſites ſhall be performed that are by Law to be performed in Caſes where any of the ſaid Subſidies or Duties are to be paid by any former Statute, all the Reſidue and Remainder of the Subſidy or Duty, by any former Act or Acts of Parliament granted and charged on ſuch Sugar or Paneles, as aforeſaid, ſhall without any Delay or Reward be repaid to ſuch Merchant or Merchants, who do export the ſame, within One Month after demand thereof.

Exporter to be repaid the Remainder of the Subſidy paid at Importation.

And it is hereby further enacted by the authority aforeſaid, That from and after the Twenty-fourth Day of *June*, One thouſand ſeven hundred and thirty three, for every Hundred Weight of Sugar refined in *Great-Britain*, and ſo in Proportion for a greater or leſſer Quantity, which ſhall be exported out of this Kingdom, there ſhall be, by Virtue of this Act, repaid at the Cuſtom-houſe to the Exporter, within One Month after the Demand thereof, over and above the ſeveral Sums of Three ſhillings and One ſhilling *per* Hundred, payable by Two former acts of Parliament, one of them made in the Ninth and Tenth Years of the Reign of his late Majeſty King *William* the Third, and the other in the Second and Third Years of the Reign of her late Majeſty Queen *Ann*, the further Sum of Two ſhillings, Oath or ſolemn Affirmation, as aforeſaid, being firſt made by the Refiner, that the ſaid Sugar, ſo exported, was produced from Brown and Muſcovado Sugar, and that, as he verily believes, the ſame was imported from ſome of the Colonies or Plantations in *America*, belonging to and in the Poſſeſſion of the Crown of *Great-Britain*, and that, as he verily believes, the Duty of the ſaid Brown and Muſcovado Sugar was duly paid at the Time of the Importation thereof, and that the ſame was duly exported, His Majeſty's Searcher alſo certifying the Shipping thereof, and all other Requiſites being duly performed, according to the Book of Rates.

After 24 *June* 1733 a further Allowance of 2 *s per* c wt. to be paid on Exportation for Sugars refined in *Great-Britian* over and above the former Alowances of 3 *s.* and 1 *s. per.* c. wt. upon proper Oaths, *&c* that the Sugar was imported from the *Britiſh* Plantation *&c* the Exportation to be verified, by the Searcher.

And be it further enacted by the Authority aforeſaid, That all Suits and Proſecutions for any Offence againſt this Act ſhall be brought and commenced within Two Years after ſuch Offence committed.

Suits to be commenced in two Year after Offence committed.

And for the better and more effectual carrying this Act into Execution, be it further enacted, That the Expence of proſecuting any Offence againſt this Act ſhall be paid and born, in the firſt Place, out of the Shares and Parts of the Penalties and Forfeitures hereby given and granted to his Majeſty, his Heirs, and Succeſſors, upon any Seizure, Condemnation, and Judgment to be had and obtained for or by reaſon of any Fraud or Misbehaviour againſt the true Intent or Meaning of this Act.

Expence of Proſecution to be born out of His Majeſty's part of the Penalties.

Provided nevertheleſs, That nothing herein contained ſhall entend or be conſtrued to extend to hinder or reſtrain the Importation of any Sugars, being of the Growth or Produce of any of the Dominions belonging to the King of *Spain*, or the King of *Portugal*, from any Part or Place from whence ſuch Sugars might lawfully have been imported before the making of this Act; any thing herein before contained to the contrary thereof in any wiſe notwithſtanding.

Sugars of the *Spaniſh* or *Portugueſe* Dominions may be imported as formerly.

And it is hereby declared and enacted, That this preſent Act ſhall be taken to be a publick Act, of which all Judges and Juſtices ſhall take Notice, without ſpecial pleading the ſame; and the ſame ſhall continue and be in Force for the Space of Five Years, to be computed from the Twenty fourth Day of *June* One thouſand ſeven hundred and thirty-three, and to the end of the then next Seſſion of Parliament.

Publick Act, Continuance.

An Act of Parliament, paſſed in the Fourth Year of the Reign of His Majeſty King GEORGE the Third. 1764.

## CHAP. V.

An Act for granting certain Duties in the *Britiſh* Colonies and Plantations in *America*; for continuing, amending, and making perpetual, an Act paſſed in the Sixth Year of the Reign of His late Majeſty King *George* the Second, intituled, (*An Act for the better ſecuring and encouraging the Trade of His Majeſty's Sugar Colonies in America*); for applying the Produce of ſuch Duties, and of the Duties to ariſe by virtue of the ſaid Act, towards defraying the Expences of defending, protecting, and ſecuring, the ſaid Colonies and Plantations; for explaining an Act made in the Twenty-fifth Year of the Reign of King *Charles* the Second, (intituled, *An Act for the Encouragement of the* Greenland *and* Eaſtland *Trades, and for the better ſecuring the Plantation Trade*); and for altering and diſallowing ſeveral Drawbacks on Exports from this Kingdom, and more effectually preventing the clandeſtine Conveyance of Goods to and from the ſaid Colonies and Plantations, and improving and ſecuring the Trade between the ſame and *Great-Britain*.

Preamble.

WHEREAS it is expedient that new Proviſions and Regulations ſhould be eſtabliſhed for improving the Revenue of this Kingdom, and for extending and ſecuring the Navigation and Commerce between *Great-Britian* and Your Majeſty's Dominions in *America*, which, by the Peace, have been ſo happily enlarged: And whereas it is juſt and neceſſary, that a Revenue be raiſed, in Your Majeſty's ſaid Dominions in *America*, for defraying the Expences of defending, protecting and ſecuring the ſame; we, Your Majeſty's moſt dutiful and loyal Subjects, the Commons of *Great-Britian*, in Parliament aſſembled, being deſirous to make ſome Proviſion, in this preſent Seſſion of Parliament, towards raiſing

the

the ſaid Revenue in *America*, have reſolved to give and grant unto Your Majeſty the ſeveral Rates and Duties herein after mentioned; and do moſt humbly beſeech Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty-ninth Day of *September*, One Thouſand ſeven hundred and ſixty four, there ſhall be raiſed, levied, collected, and paid, unto his Majeſty, his Heirs and Succeſſors, for and upon all White or Clayed Sugars of the Produce or Manufacture of any Colony or Plantation in *America* not under the Dominion of his Majeſty, his Heirs and Succeſſors; for and upon Indico, and Coffee of Foreign Produce or Manufacture; for and upon all Wines (except *French* Wine); for and upon all Wrought Silks, Bengals, and Stuffs, mixed with Silk or Herba, of the Manufacture of *Perſia*, *China*, or *Eaſt-India*, and all Callico painted, dyed, printed, or ſtained there; and for and upon all Foreign Linen Cloth called *Cambrick* and *French Lawns*, which ſhall be imported or brought into any Colony or Plantation in *America*, which now is, or hereafter may be, under the Dominion of his Majeſty, his Heirs and Succeſſors, the ſeveral Rates and Duties following; that is to ſay,

From and after 29. *Sept.* 1764, the following Rates and Duties to take Place on the ſeveral Species of Foreign Goods here enumerated, imported into any of His Majeſty's Plantations in *America*;

For every Hundred Weight Avoirdupois of ſuch Foreign White or Clayed Sugars, One Pound, Two Shillings, over and above all other Duties impoſed by any former Act of Parliament.

On Foreign white or clayed Sugars 1 *l.* 2 *s. per* C.wt.

For every Pound Weight Avoirdupois of ſuch Foreign Indico, Six Pence.

Indico, 6*d. per* lb.

For every Hundred Weight Avoirdupois of ſuch Foreign Coffee, which ſhall be imported from any Place, except *Great-Britain*, Two Pounds, Nineteen ſhillings, and nine Pence.

Coffee 2*l.* 19*s.* 9*d. per* C. wt.

For every Ton of Wine of the Growth of the *Madeiras*, or of any other Iſland or Place from whence ſuch Wine may be lawfully imported, and which ſhall be ſo imported from ſuch Iſlands or Places, the Sum of ſeven Pounds.

*Madeira* Wines 7*l. per* Ton.

For every Ton of *Portugal*, *Spaniſh*, or any other Wine (except *French* Wine) imported from *Great-Britain* the Sum of ten ſhillings.

*Portugal* and *Spaniſh* wines 10*s. per* Ton.

For every Pound Weight Avoirdupois of Wrought Silks, Bengals, and Stuffs, mixed with Silks, or Herba, of the Manufacture of *Perſia*, *China*, or *Eaſt-India*, imported from *Great-Britain*, Two ſhillings.

Wrought Silks, Bengals & Stuffs, mixt with Silk or Herba. 2*s. per* lb.

For every Piece of Callico, painted, died, printed, or ſtained, in *Perſia*, *China*, or *Eaſt-India*, imported from *Great-Britain*, Two ſhillings and ſix pence.

Callicoes 2*s.* 6*d. per* Piece.

For every Piece of Foreign Linen Cloth, called *Cambrick*, imported from *Great Britain*, Three ſhillings.

Cambricks 3*s per* Piece.

For every Piece of *French* Lawn imported from *Great-Britain*, Three ſhillings.

*French* Lawns 3*s. per* Piece.

And after thoſe Rates for any greater or leſſer Quantity of ſuch Goods reſpectively.

And it is hereby further enacted by the Authority aforeſaid, That from and after the ſaid Twenty ninth Day of *September*, One thouſand ſeven hundred and ſixty-four, there ſhall alſo be raiſed, levied, collected, and paid, unto his Majeſty, his Heirs and Succeſſors, for and upon all Coffee and Pimento of the Growth and Produce of any *Britiſh* Colony or Plantation in *America*, which ſhall be there laden on Board any *Britiſh* Ship or Veſſel, to be carried out from thence to any other Place whatſoever, except *Great-Britain*, the ſeveral Rates and Duties following; that as to ſay,

Duties on Coffee & Pimento of the Growth of the *Britiſh* Colonies, imported from thence to other Places, except *Great Britain*, viz.

For

Coffee 7*s.* *per* C. wt.

For every Hundred Weight avoirdupois of ſuch *Britiſh* Coffee, Seven ſhillings.

Pimento 2 *q.* *per lb.*

For every Pound Weight Avoirdupius of ſuch *Britiſh* Pimento, One Half-penny.

And after thoſe Rates for any greater or leſſer Quantity of ſuch Goods reſpectively.

And whereas an Act was made in the Sixth Year of the Reign of his late Majeſty King *George* the Second, intituled, *An Act for the better ſecuring and encouraging the Trade of His Majeſty's Sugar Colonies in* AMERICA, which was to continue in Force for Five Years, to be computed from the Twenty-fourth Day of *June*, One thouſand ſeven hundred and thirty-three, and to the end of the then next Seſſion of Parliament; and which, by ſeveral ſubſequent Acts made in the Eleventh, the Nineteenth, the Twenty-ſixth, the Twenty-ninth, and the Thirty-firſt Years of the Reign of his ſaid late Majeſty, was, from time to time, continued; and, by an Act made in the Firſt Year of the Reign of his preſent Majeſty, was further continued until the End of this preſent Seſſion of Parliament: and although the ſaid Act had been found in ſome Degree uſeful, yet it is highly expedient that the ſame ſhould be altered, enforced, and made more effectual; but, in Conſideration of the great Diſtance of ſeveral of the ſaid Colonies and Plantations from this Kingdom, it will be proper further to continue the ſaid Act for a ſhort Space, before any alterations and amendments ſhall take Effect, in order that all Perſons concerned may have due and proper Notice thereof; Be it therefore enacted by the authority aforeſaid, That the ſaid act made in the Sixth Year of the Reign of his late Majeſty King *George* the Second, intituled, *An Act for the better ſecuring and encouraging the Trade of his Majeſty's Sugar Colonies in* AMERICA, ſhall be, and the ſame is hereby further continued, until the Thirtieth Day of *September*, One thouſand ſeven hundred and ſixty four.

A&t 6 *Geor.* II.

further continued, to 30 *Sept.* 1764.

The ſaid Act made perpetual, ſubject to the alterations made herein.

And be it further enacted by the authority aforeſaid, That from the Twenty-ninth Day of *September*, One thouſand ſeven hundred and ſixty four, the ſaid act, ſubject to ſuch alterations and amendments as are herein after contained, ſhall be, and the ſame is hereby made perpetual.

Foreign Molaſſes and Syrups imported into the *Britiſh* Colonies to pay 3*d per* Gallon.

And be it further enacted by the authority aforeſaid, That in lieu, and inſtead of the Rate and Duty impoſed by the ſaid act upon Molaſſes and Syrups, there ſhall, from and after the Twenty-ninth Day of *September*, One thouſand ſeven hundred and ſixty four, be raiſed, levied, collected, and paid, unto his Majeſty, his Heirs and Succeſſors, for and upon every Gallon of Molaſſes or Syrups, being the Growth, Product, or Manufacture, of any Colony or Plantation in *America*, not under the Dominion of his Majeſty, his Heirs, or Succeſſors, which ſhall be imported and brought into any Colony or Plantation in *America*, which now is, or hereafter may be, under the Dominion of his Majeſty, his Heirs or Succeſſors, the Sum of Three pence.

The Duties on the enumerated Goods here mentioned to be raiſed and paid as by the recited Act of 6 *Geor.* II.

And it is hereby further enacted by the authority aforeſaid, That the ſaid Rates and Duties hereby charged upon ſuch Foreign White or Clayed Sugars, Foreign Indico, Foreign Coffee, Wines, Wrought Silks, Bengals, and Stuffs, mixed with Silk or Herba, Callico, Cambricks, *French* Lawns, and Foreign Molaſſes or Syrups, imported into any *Britiſh American* Colony or Plantation, ſhall be raiſed, levied, collected, and paid, in the ſame Manner and Form, and by ſuch Rules, Ways, and Means, and under ſuch Penalties and Forfeitures (not otherwiſe altered by this act) as are mentioned and expreſſed in the ſaid act of Parliament, made in the Sixth Year of the Reign of his late Majeſty King *George* the Second, with reſpect to the raiſing

ſing, levying, collecting, and Payment, of the Rates and Duties thereby granted; and that the aforeſaid Duties hereby charged upon *Britiſh* Coffee and Pimento, exported from any *Britiſh* Colony or Plantation, ſhall be raiſed, levied, collected, and paid, in the ſame Manner and Form, and by ſuch Rules, Ways, and Means, and under ſuch Penalties and Forfeitures, as are mentioned and referred unto in an Act of Parliament, made in the Twenty-fifth Year of the Reign of King *Charles* the Second, intitled, *An Act for the encouragement of the* Greenland *and* Eaſtland *Trades, and for the better ſecuring the Plantation Trade*, with reſpect to the raiſing, levying, collecting, and Payment, of the Rates and Duties thereby granted upon the ſeveral Goods therein particularly enumerated: And that all Powers, Penalties, Proviſions, Articles, and Clauſes, in thoſe Acts reſpectively contained and referred unto (except in ſuch Caſes where any Alteration is made by this Act) ſhall be obſerved, applied, practiſed, and put in Execution, for the raiſing, levying, collecting, and anſwering, the reſpective Rates and Duties granted by this Act, as fully and effectually, as if the ſame were particularly and at large re-enacted in the Body of this preſent Act, and applied to the Rates and Duties hereby impoſed; and as fully and effectually, to all intents and Purpoſes, as the ſame could have been at any Time put in Execution, for the like Purpoſes, with reſpect to the Rates and Duties granted by the ſaid former Acts.

Thoſe upon Coffee and Pimento.

as by Act 25 *Car.*

Provided always, and it is hereby further enacted by the Authority aforeſaid, That if the Importer of any Wines ſhall refuſe to pay the Duties hereby impoſed thereon, it ſhall and may be lawful for the Collector, or other proper Officer of the Cuſtoms where ſuch Wines ſhall be imported, and he is hereby reſpectively required to take and ſecure the ſame, with the Caſks or other Package thereof, and to cauſe the ſame to be publickly ſold, within the Space of Twenty Days at the moſt after ſuch refuſal made, and at ſuch Time and Place as ſuch Officer ſhall, by Four or more Days publick Notice, appoint for that Purpoſe; which Wine ſhall be ſold to the beſt Bidder, and the Money ariſing by the Sale thereof ſhall be applied, in the firſt Place, in Payment of the ſaid Duties, together with the Charges that ſhall have been occaſioned by the ſaid ſale; and the Overplus, if any, ſhall be paid to ſuch Importer, or any other Perſon authorized to receive the ſame.

Importer refuſing to pay the Duties on Wines, Officer may ſeize the ſame,

and publickly ſell them to the beſt Bidder.

and deduct the Duties and Charges.

Provided alſo, That if the Money offered for the Purchaſe of ſuch Wine, ſhall not be ſufficient to diſcharge the Duty and charges aforeſaid, then, and in every ſuch Caſe, the Collector, or other proper Officer, ſhall cauſe the Wine to be ſtaved, ſpilt, or otherwiſe deſtroyed, and ſhall return the Caſks or other Package wherein the ſame was contained to ſuch Importer.

If they ſhall not bring ſufficient to pay the Duty and Charges they are to be ſtaved and ſpilt.

And it is hereby declared and enacted, That every Piece of Callico intended to be charged with the Duty herein before-mentioned, if of the Breadth of One Yard and a Quarter or under, ſhall not exceed in Length Ten Yards; and if above that Breadth, ſhall not exceed Six Yard in Length; and that every Piece of Cambrick and *French* Lawn ſhall contain Thirteen Ells each, and ſhall pay Duty for the ſame in thoſe Proportions for any greater or leſſer Quantity, according to the Sum herein before charged upon each Piece of ſuch Goods reſpectively.

Limited Length and Breadth of Callicoes,

and of Cambricks, and *French* Lawns

And it is hereby further enacted by the Authority aforeſaid, That all the Monies which, from and after the Twenty-ninth Day of *September*, One thouſand ſeven hundred and ſixty four, ſhall ariſe by the ſeveral Rates and Duties herein before granted; and alſo by the Duties which, from and after the ſaid Twenty ninth Day of *September*, One thouſand ſeven hundred and ſixty four, ſhall be raiſed upon Sugars and Paneles, by virtue of the ſaid Act made in the Sixth Year of the Reign of his ſaid late Majeſty King *George* the Second (except the neceſſary Charges of raiſing, collecting, levying, recovering, anſwering, paying, and accounting for the ſame)

Monies ariſing by the ſeveral Duties before granted;

and upon Sugars, *&c.*

to be paid into the Exchequer;

and to be reſerved toward defraying the Charges of protecting the *Britiſh* Colonies in *America.*

ſhall be paid into the Receipt of his Majeſty's Exchequer, and ſhall be entered ſeparate and apart from all other Monies paid or payable to his Majeſty, his Heirs or Succeſſors; and ſhall be there reſerved, to be, from Time to Time, diſpoſed of by Parliament, towards defraying the neceſſary Expences of defending, protecting and ſecuring the *Britiſh* Colonies and Plantations in *America.*

Exporter of Wines from this Kingdom to the *Britiſh* Colonies in *America.*

to be paid a Drawback of the Duties on Importation; except 3*l* 10*s per* ton. granted by an Act of the laſt Seſſion.

and alſo the Aliens Duty:

And it is hereby further enacted by the Authority aforeſaid, That from and after the Tenth Day of *September*, One thouſand ſeven hundred and ſixty four, upon the exportation of any ſort of Wine (except *French* Wines) from this Kingdom to any *Britiſh* colony or Plantation in *America*, as Merchandize, the exporter ſhall be paid, in Lieu of all former Drawbacks, a Drawback or allowance of all the Duties paid upon the importation of ſuch Wine, except the Sum of Three Pounds ten Shillings *per* Ton, Part of the additional Duty of Four Pounds *per* Ton, granted by an Act made in the laſt Seſſion of Parliament (intituled, *An Act for granting to His Majeſty ſeveral additional Duties upon Wines imported into this Kingdom, and certain Duties upon all Cyder and Perry, and for raiſing the Sum of Three Millions five hundred Thouſand Pounds, by way of Annuities and Lotteries, to be charged on the ſaid Duties*) and alſo except ſuch Part of the Duties paid upon Wines imported by ſtrangers or aliens, or in Foreign Ships, as exceeds what would have been payable upon ſuch Wines, if the ſame had been imported by *Britiſh* ſubjects and in *Britiſh* Ships; any Law, Cuſtom or Uſage, to the contrary notwithſtanding; which Drawback or allowance ſhall be made in ſuch Manner, and under ſuch Rules Regulations, Penalties, and Forfeitures, in all Reſpects, as any former Drawback or allowance, payable out of the Duties of cuſtoms upon the exportation of ſuch Wine, was, could, or might be made, before the paſſing of this Act.

He firſt giving Bond and Security

for the due Exportation and Landing of the Same;

conditioned to produce a Certificate thereof from the proper Officer within 18 Months.

Provided always, and it is hereby further enacted, That upon the Entry of any ſuch Wine for Exportation to any *Britiſh* Colony or Plantation in *America*, and before any Debenture ſhall be made out for allowing the Drawback thereon, the Exporter ſhall give bond, with ſufficient ſecurity, to his Majeſty, his Heirs and Succeſſors, to be approved of by the Collector, or other principal Officer of the cuſtoms at the Port of exportation, in treble the amount of the Drawback payable for the Goods, that the ſame and every Part thereof, ſhall (the Danger of the Seas and Enemies excepted) be really and truly exported to, and landed in ſome *Britiſh* Colony or Plantation in *America*, and that the ſame ſhall not be exported or carried to any other Place or Country whatſoever, nor relanded in any Part of *Great-Britain*, *Ireland*, or the Iſlands of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*, or either of them: And ſuch bonds ſhall not be delivered up nor diſcharged, until a Certificate ſhall be produced, under the Hands and Seals of the Collector or other principal Officer of the cuſtoms at the Port or Place where ſuch Goods ſhall be landed, teſtifying the Landing thereof: And the condition of ſuch Bond ſhall be, to produce ſuch Certificate, in Eighteen Months from the Date of the Bonds, (the Dangers of the Seas and Enemies excepted.)

No Part of the *Old Subſidy* to be repaid for any Foreign Goods exported as aforeſaid.

except for Wines, White Callicoes, and Muſlins;

And it is hereby further enacted by the Authority aforeſaid, That from and after the firſt Day of *May*, One thouſand ſeven hundred and ſixty four, no Part of the Rate or Duty, commonly called *The Old Subſidy*, ſhall be repaid or drawn back for any foreign Goods of the Growth, Production, or Manufacture of *Europe*, or the *Eaſt-Indies*, which ſhall be exported from this Kingdom to any *Britiſh* Colony or Plantation in *America* (Wines, White Callicoes, and Muſlins, only excepted); any Law, Cuſtom, or Uſage, to the contrary notwithſtanding.

And

And it is hereby further enacted by the Authority aforesaid, That from and after the Tenth Day of *September*, One thousand seven hundred and sixty four, upon the exportation of any sort of White Callicoes and Muslins, except as herein after is mentioned, from this Kingdom to any *British* Colony or Plantation in *America*, besides the One half of the Rate or Duty commonly called *The Old Subsidy*, which now remains, and is not drawn back for the same, there also shall not be repaid or drawn back the further Sum of Four Pounds fifteen shillings for every hundred Pounds of the true and real value of such Goods, according to the Gross Price at which they were sold at the sale of the united Company of Merchants trading to the *East-Indies*, being the third Part of the net Duties granted thereon respectively by Two several Acts of Parliament, the one made in the Eleventh and Twelfth Year of the Reign of King *William* the Third, intitled, *An Act for laying further Duties upon wrought Silks, Muslins, and some other Commodities of the* East-Indies, *and for enlarging the Time for purchasing certain reversionary Annuities therein mentioned*; and the other made in Third and Fourth Year of the Reign of Queen *Anne*, intituled *An Act for continuing Duties upon Law Wines, and upon Coffee, Tea, Chocolate, Spices, and Pictures, and upon Hawkers, Pedlars, and Petty Chapmen, and upon Muslins; and for granting new Duties upon several of the said Commodities, and also upon Callicoes, China-ware, and Drugs*; any Law, Custom, or Usage to the contrary notwithstanding.

And upon the Exportation of White Callicoes or Muslins, neither the Moiety of the *Old Subsidy*, nor the Third Part of the Net Duties thereon, granted by Act 11 and 12 *Will.* III. and 3 & 4 *Annæ* shall be repaid; but until 1 *March*, 1765, upon Exportation of such White Callicoes and Muslins as were sold on or before 25 *March* preceding, at the *India house* the same Drawbacks shall be allowed as are now payable.

Provided always, and be it further enacted by the Authority aforesaid, That until the first Day of *March*, One thousand seven hundred and sixty five, upon the exportation from this Kingdom, to any *British* Colony or Plantation in *America*, of such White Callicoes or Muslins only as were sold on or before the Twenty-fifth Day of *March*, One thousand seven hundred and sixty four, at the sale of the united Company of Merchants, trading to the *East-Indies*, such and the same Drawbacks shall be allowed as are now payable upon the exportation of the said Goods.

Where Goods entered for Exportation to Parts beyond the Seas in order to obtain a Drawback not allowed by this Act, shall be carried to any *British* Plantation in *America*, such Drawback shall be forfeited, and Double the Amount thereof; with Treble the Value of the Goods.

And be it further enacted by the Authority aforesaid, That if any Merchant or other Person shall, from and after the said First Day of *May*, One thousand seven hundred and sixty four enter any Goods for exportation to Parts beyond the Seas, other than to the said *British* Colonies or Plantations in *America*, in order to obtain any Drawback not allowed by this Act, upon the exportation of such Goods to the said *British* Colonies or Plantations, and the said Goods shall nevertheless be carried to any *British* Colony or Plantation in *America*, and landed there contrary to the true Intent and Meaning hereof, that then, and in such Case, the Drawback shall be forfeited, and the exporter of such Goods, and the Master of the Ship or Vessel on Board which the same were loaden and exported, shall forfeit double the amount of the Drawback paid or to be paid for the same, and also Treble the Value of the said Goods.

And it is further enacted by the Authority aforesaid, That from and after the said first Day of *May*, One thousand seven hundred and sixty four, if any Goods, not allowed to draw back any Part of the Old Subsidy, or any other Duty by this Act, shall be entered for exportation from this Kingdom to any other Place beyond the Seas, except to some *British* Colony or Plantation in *America*, in every case where the exporter is required, by any Law now in force, to swear that such Goods are not landed or intended to be landed in *Great-Britain*, *Ireland* or the *Isle of Man*, there shall also be added to, and included in the Oath, upon the Debenture for such Goods, *any* British *Colonies or Plantation in* America."

Addition to the Oath upon Debentures, for such goods as shall be entered for Exportation to other Places beyond the Seas, than to the *British American* Plantations.

And be it further enacted by the Authority aforesaid, That from and after the twenty-ninth Day of *September*, One thousand seven hundred and sixty-four, no Rum or Spirits of the Produce or Manufacture of any

of

Foreign Rum or Spirits imported into any of the *British* Plantatio in *America*.

of the Colonies or Plantations in *America*, not in the Poſſeſſion or under the Dominion of his Majeſty, his Heirs or Succeſſors, ſhall be imported or brought into any of the Colonies or Plantations in *America* which now are, or hereafter may be, in the poſſeſſion or under the Dominion of his Majeſty, his Heirs or Succeſſors, upon Forfeiture of all ſuch Rum or Spirits, together with the Ship or Veſſel in which the ſame ſhall be imported, with the Tackle, Apparel, and Furniture thereof; to be ſeized by any Officer or Officers of his Majeſty's Cuſtoms and proſecuted in ſuch Manner and Form as herein after is expreſſed; any Law, Cuſtom, or Uſage to the contrary notwithſtanding.

liable to be forfeited. together with Veſſel, *&c.*

No Sugar may be imported into *Ireland* but ſuch as ſhall be ſhipped in *Great-Britain*, and carried directly from thence

And it is hereby further enacted and declared by the Authority aforeſaid, That from and after the Twenty ninth Day of *September*, One thouſand ſeven hundred and ſixty four, nothing in the before recited Act made in the Sixth Year of the Reign of his late Majeſty King *George* the Second, or any other Act of Parliament, ſhall extend, or be conſtrued to extend, to give Liberty to any Perſon or Perſons whatſoever to import into the Kingdom of *Ireland*, any ſort of Sugars, but ſuch only as ſhall be fairly and *bona fide* loaden and ſhipped in *Great-Britain*, and carried directly from thence in Ships navigated according to Law.

Exporter of Rum, Spirits, Paneles, Molaſſes or Syrups, from the *British* Colonies in *America*, as of the Growth thereof.

to produce and deliver to the proper Officer before clearing, an Affidavit of the Quality of the Goods, & Denomination of the Packages, *&c.*

And, for the better preventing Frauds in the Importation of Foreign Sugars and Paneles, Rum, and Spirits, Molaſſes and Syrups, into any of his Majeſty's Dominions, under Pretence that the ſame are the Growth, Produce, or Manufacture of the *British* Colonies or Plantations, it is further enacted by the Authority aforeſaid, That from and after the Twenty ninth Day of *September*, One thouſand ſeven hundred and ſixty four, every Perſon or Perſons loaden on Board any Ship or Veſſel, in any of the *British* Colonies or Plantations in *America*, any Rum or Spirits, Sugars or Paneles, Molaſſes or Syrups, as of the Growth, Produce, or Manufacture, of any *British* Colony or Plantation, ſhall, before the clearing out of the ſaid Ship or Veſſel, produce and deliver to the Collector or other principal Officer of the Cuſtoms at the Loading Port, an affidavit ſigned and Sworn to before ſome Juſtice of the Peace in the ſaid *British* Colonies or Plantations, either by the Grower, Maker, or Shipper of ſuch Goods, or his or their known Agent or Factor, expreſſing, in Words at length, and not in Figures, the Quality of the Goods ſo ſhipped, with the Number and Denomination of the Packages, and deſcribing the Name or Names of the Plantation or Plantations, and the Name of the colony where the ſame grew or were produced and Manufactured; which Affidavit ſhall be atteſted under the Hand of the ſaid Juſtice of the Peace, to have been ſworn to in his Preſence; Who is hereby required to do the ſame without Fee or Reward:

Officer to grant the Maſter of the Veſſel a Certificate thereof;

and to tranſmit a Copy of ſuch Affidavit to the Secretary's Office for the Colony, on Penalty of 5*l.*

And the Collector or other principal Officer of the cuſtoms to whom ſuch Affidavit ſhall be delivered, ſhall thereupon grant to the Maſter, or other Perſon having the Charge of the Ship or Veſſel, a Certificate under his Hand and Seal of Office (without Fee or Reward) of his having received ſuch Affidavit perſuant to the Directions of this Act; which Certificate ſhall expreſs the Quality of the Goods ſhipped on Board ſuch Ship or Veſſel, with the Number and Denomination of the Packages: And ſuch Collector or other principal Officer of the Cuſtoms ſhall alſo (without Fee or Reward) within Thirty Days after the Sailing of the Ship or Veſſel, tranſmit an exact Copy of the ſaid Affidavit to the Secretary's Office for the reſpective Colony or Plantation where the Goods were ſhipped, on Forfeiture of Five Pounds.

And it is further enacted, That upon the Arrival of ſuch Ship or Veſſel into the Port of her Diſcharge, either in *Great-Britain*, or any other Port of his Majeſty's Dominions, where ſuch Goods may be lawfully imported, the Maſter or other Perſon taking the Charge of the Ship or Veſſel, ſhall, at the

Time

Time he makes his Report of his Cargo, delivered the ſaid Certificate to the Collector or other principal Officer of the cuſtoms, and make Oath before him, that the Goods ſo reported are the ſame that are mentioned in the ſaid certificate, on forfeiture of One hundred Pounds; and if any Rum or Spirits, Sugars or Panels, Molaſſes or Syrups, ſhall be imported or found on Board any ſuch Ship or Veſſel, for which no ſuch certificate ſhall be produced, or which ſhall not agree therewith, the ſame ſhall be deemed and taken to be Foreign Rum and Spirits, Sugars and Paneles, Molaſſes and Syrups, and ſhall be liable to the ſame Duties, Reſtrictions, Regulations, Penalties, and Forfeitures, in all Reſpects, as Rum, Spirits, Sugar, Paneles, Molaſſes, and Syrups, of the Growth, Produce, or Manufacture, of any Foreign colony or Plantation, would reſpectively be liable to by Law.

On Arrival of the Veſſel at the Port of Diſcharge the Maſter is to deliver the Certificate to the proper Officer, and make Oath of the Identity of the Goods, on Penalty of 100 *l.* and Goods found of Board not certified for, *&c.* are to pay Foreign Duties.

Provided always, That if any Rum or Spirits, Sugar or Paneles, Molaſſes or Syrups, ſhall be imported into *Great-Britain* from any *Britiſh* Colony or Plantation in *America*, without being included in ſuch certificate as is herein before directed, and it ſhall be made to appear to the Satisfaction of the Commiſſioners of his Majeſty's cuſtoms at *London*, or *Edenburgh*, reſpectively, that the Goods are really and truly the Produce of ſuch *Britiſh* Plantation or colony, and that no Fraud was intended, it ſhall and may in ſuch caſe be lawful for the ſaid reſpective Commiſſioners to permit the ſaid Goods to be entered, upon Payment of the like Duties as ſuch Goods would be liable to if this Law had not been made.

where any ſuch Goods not included in the Certificate ſhall be imported without intending a Fraud, they may be admitted to entry, paying the uſual Duties.

And whereas by an Act of Parliament made in the Twelfth Year of the Reign of King *Charles* the Second, intitled, *An Act for encouraging and increaſing of Shipping and Navigation*, and ſeveral ſubſequent Acts of Parliament which are now in Force, it is among other things, directed, That for every Ship or Veſſel that ſhall load any commodities, in thoſe Acts particularly enumerated, at any *Britiſh* Plantation, being the Growth, Product, or Manufacture thereof, Bonds ſhall be given with due Surety to the value of One thouſand Pounds if the Ship be of leſs Burthen than One hundred Tons, and of the Sum of Two thouſand Pounds, if the Ship be of greater Burthen, that the ſame commodities ſhall be brought by ſuch Ship or Veſſel, to ſome other *Britiſh* Plantation, or to ſome Port in *Great-Britain*: notwithſtanding which, there is great Reaſon to apprehend ſuch Goods are frequently carried to Foreign Parts, and landed there: And whereas great Quantities of foreign Molaſſes and Syrups are clandeſtinely run on ſhore in the *Britiſh* colonies, to the Prejudice of the Revenue, and the great Detriment of the Trade of this Kingdom, and its *American* Plantations: To remedy which Practices for the future, be it further enacted by the Authority aforeſaid, That from and after the Twenty-ninth Day of *September*, One thouſand ſeven hundred and ſixty four, Bond and Security, in the like Penalty, ſhall alſo be given to the collector or other principal Officer of the cuſtoms at any Port or Place in any of the *Britiſh American* colonies or Plantations, with one ſurety beſides the Maſter of every Ship or Veſſel that ſhall lade or take on Board there any Goods not particularly enumerated in the ſaid Acts, being the Product or Manufacture of any of the ſaid colonies or Plantations, with Condition, that in caſe any Molaſſes or Syrups, being the produce of any of the Plantations not under the Dominion of his Majeſty, his Heirs or Succeſſors, ſhall be laden on Board ſuch Ship or veſſel, the ſame ſhall (the Danger of the Seas and Enemies excepted) be brought, without Fraud or wilful Diminution, by the ſaid Ship or veſſel to ſome of his Majeſty's Colonies or Plantations in *America*, or to ſome Port in *Great-Britain*; and that the Maſter or other Perſon having the charge of ſuch Ship or veſſel, ſhall immediately upon his Arrival at every Port or Place in *Great-Britain*, or in the *Britiſh American* colonies and Plantations, make a juſt and true

Clauſe in Act 12 *Car.* II.

Bond and Security to be given purſuant to the recited Act,

in caſe of lading any enumerated Goods that any Foreign Molaſſes and Syrups, on Board,

ſhall be bro't to ſome of the *Britiſh* Plantations in *America*, or to *Great Britain* of which Port is to be made at the Port of Arrival.

Non-enumerated Goods ladenonboard without Bond given, are forfeited, with the Veſſel.

Report of all the Goods laden on Board ſuch Ship or Veſſel under their true and proper Denominations; and if any ſuch Non-enumerated Goods ſhall be laden on Board any ſuch Ship or Veſſel before ſuch Bond ſhall be given, the Goods ſo laden, together with the Ship or Veſſel and her Furniture ſhall be forfeited, and ſhall and may be ſeized by any Officer of the Cuſtoms, and proſecuted in the Manner herein after directed.

Maſter before ſailing from the Port of Lading, is to take a Certificate of his having given Bond;

And it is hereby further enacted by the Authority aforeſaid, that every Maſter or Perſon having the charge of any Ship or Veſſel, ſhall, before he departs from any *Britiſh* Colony or Plantation where he receives his Lading, take a Certificate under the Hands and Seals of the Collector or other Principal Officer of the cuſtoms there (which Certificate ſuch Officers are hereby required to grant without Fee or Reward) that Bond hath been given, purſuant to the Directions of this or any other Act of Parliament, as the caſe ſhall require; and the Maſter or Perſon having the charge of ſuch Ship or Veſſel, ſhall keep ſuch certificate in his Cuſtody till the Voyage is compleated, and ſhall then deliver the ſame up to the Collector or other chief Officer of the cuſtoms at the Port or Place where he ſhall diſcharge his Lading, either in *Great-Britain* or any *Britiſh American* colony or Plantation, on Forfeiture of One hundred Pounds for each and every Offence.

which, upon compleating his Voyage, he is to deliver up at the Port of Diſcharge, on Penalty of 100*l.*

*Britiſh* veſſels with any *Britiſh American* Goods or Foreign Molaſſes or ſyrups diſcovered near the *Britiſh American* Coaſts, not producing a Certificate as required by Law; or not producing one at the Port of Arrival, are liable to be forfeited

And it is hereby further enacted, That if any *Britiſh* Ship or Veſſel laden as aforeſaid, with any Goods of the Produce or Manufacture of any *Britiſh* colony or Plantation in *America*, or having on Board any Molaſſes or Syrups, the Produce of any Foreign colony or Plantation, ſhall be diſcovered by any Officer of his Majeſty's cuſtoms within two Leagues of the Shore of any *Britiſh* colony or Plantation in *America*, and the Maſter or Perſon taking charge of ſuch Ship or Veſſel ſhall not produce a certificate that Bond has been given, purſuant to the Directions of this or any other Act of Parliament, as the caſe may require: or if he ſhall not produce ſuch certificate to the collector or other chief Officer of the Cuſtoms where he ſhall arrive, either in *Great-Britain* or any *Britiſh American* colony or Plantation, ſuch Ship or Veſſel, with her Tackle, Apparel, and Furniture, and all the Goods therein laden, ſhall be forfeited, and ſhall and may be ſeized and proſecuted as herein after is directed.

Bond for Non-enumerated Goods to be in Force for 1 Year after the Voyage; when, if no Fraud appear it is to be given up,

And it is hereby further enacted by the Authority aforeſaid, That the ſaid Bond directed to be given by this Act, with reſpect to ſuch Non-enumerated Goods, ſhall continue in Force for one Year from and after the completion of the Voyage; and in caſe no Fraud ſhall appear within that Time, it ſhall be lawful for the commiſſioners of his Majeſty's cuſtoms, or any Four or more of them, to direct the ſaid Bond to be delivered up.

Coffee, & other enumerated Goods of the *Britiſh American* Plantations, to be imported under like Securities and Penalties,

And it is hereby further enacted by the Authority aforeſaid, That from and after the twenty-ninth Day of *September*, One thouſand ſeven hundred and ſixty four, all Coffee, Pimento, Cocoa Nuts, Whale Fins, Raw Silk, Hides, and Skins, Pot and Pearl Aſhes, of the Growth, Production, or Manufacture of any *Britiſh* colony or Plantation in *America*, ſhall be imported directly from thence into this Kingdom, or ſome other *Britiſh* colony or Plantation, under the like Securities, Penalties and Forfeitures, as are particularly mentioned in two Acts of Parliament made in the Twelfth and twenty-fifth Years of the Reign of King *Charles* the Second, the former intitled, *An Act for the encouraging and increaſing of Shipping and Navigation*, and the latter intitled, *An Act for the encouragement of the* Greenland *and Eaſtland Trades, and for the better ſecuring the Plantation Trade*, or either of them, with reſpect to the Goods in thoſe Acts particularly enumerated; any Law, Cuſtom, or Uſage to the contrary notwithſtanding.

as thoſe in Acts 12 & 25, Car. II.

And it is hereby further enacted by the authority aforeſaid, That from and after the Twenty-ninth Day of *September*, One thouſand ſeven hundred and ſixty four, no Iron, nor any Sort of Wood, commonly called *Lumber*

*ber*, as ſpecified in an Act paſſed in the Eighth Year of the Reign of King *George* the Firſt, intitled, *An Act for giving further Encouragement for the Importation of Naval Stores, and for other Purpoſes therein mentioned*, of the Growth, Production, or Manufacture, of any *Britiſh* colony or Plantation in *America*, ſhall be there loaden on Board any Ship or Veſſel to be carried from thence, until ſufficient Bond ſhall be given, with one Surety beſides the Maſter of the Veſſel, to the collector or other principal Officer of the cuſtoms at the Loading Port, in a Penalty of Double the Value of the Goods, with condition, that the ſaid Goods ſhall not be landed in any Part of *Europe* except *Great-Britain*; which Bonds ſhall be diſcharged in the Manner hereafter mentioned; that is to ſay, For ſuch of the ſaid Goods as ſhall be entered for, or landed in *Great-Britain*, the condition of the Bonds ſhall be, to bring a Certificate in diſcharge thereof within Eighteen Months from the Date of the Bond; and within ſix Months for ſuch of the ſaid Goods as ſhall be entered for, or landed in any of the *Britiſh* colonies or Plantations in *America*; which reſpective certificates ſhall be under the Hands and Seals of the Collector or other principal Officer of the cuſtoms reſident at the Port or Place where ſuch Goods ſhall be landed, teſtifying the Landing thereof; and for ſuch of the ſaid Goods as ſhall be entered for, or landed at any other Place in *America*, *Africa*, or *Aſia*, to bring the like Certificate within Twelve Months, under the common Seal of the chief Magiſtrate, or under the Hands and Seals of Two known *Britiſh* Merchants reſiding there; or ſuch Bond or Bonds ſhall be diſcharged, in either of the ſaid Caſes, by Proof upon Oath made by credible Perſons, that the ſaid Goods were taken by Enemies, or periſhed in the Seas.

Bond & Security to be given before laden any Iron or Lumber of the *Britiſh American* Plantations, conditioned to land the ſame if for *Europe* in *Great Britain*; and to produce a Certificate within 18 Months; and if for any of the *Britiſh American* Plantations, within 6 Months; and if for any other Place in *America*, *Africa*, or *Aſia*, within 12 Months

Where the Goods periſh, or are taken, the bond is diſcharged.

And for the better preventing Frauds in the Importation or Exportation of Goods that are liable to the payment of the Duties, or are prohibited, in the *Britiſh* colonies or Plantations in *America*, it is further enacted by the Authority aforeſaid, that from and after the Twenty ninth Day of *September*, One thouſand ſeven hundred and ſixty four, no Goods, Wares, or Merchandizes, or any Kind whatſoever, ſhall be ſhipped or laden on Board any Ship or Veſſel in any of the *Britiſh* Colonies or Plantations in *America*, to be carried from thence to any other *Britiſh* colony or Plantation, without a Sufferance or Warrant firſt had and obtained from the Collector or other proper Officer of the cuſtoms at the Port or Place where ſuch Goods ſhall be intended to be put on Board; and the Maſter of every ſuch Ship or Veſſel ſhall, before the ſame be removed or carried out from the Port or Place where he takes in his Lading, take out a Cocket or Cockets expreſſing the Quantity and Quality of the Goods, and Marks of the Package, ſo laden, with the Merchants Name by whom ſhipped and to whom conſigned; and if they are Goods that are liable to the Payment of any Duty, either upon the Importation into, or upon the Exportation from the ſaid Colonies or Plantations, the ſaid Cocket or Cockets ſhall likewiſe diſtinctly ſpecify that the Duties have been paid for the ſame, referring to the Times or Dates of Entry and Payment of ſuch Duties, and by whom they were paid; which Cocket or Cockets ſhall be produced by the Maſter of ſuch Ship or Veſſel, to the Collector or other Principal Officer of the Cuſtoms at the Port or Place where ſuch Ship or Veſſel ſhall arrive in any of the *Britiſh* colonies or Plantations in *America*, before any Part of the Goods are unladen or put on Shore: And if any Goods or Merchandizes ſhall be ſhipped as aforeſaid without ſuch Sufferance, or the Veſſel ſhall depart and proceed on her Voyage without ſuch Cocket or Cockets, or the Goods ſhall be landed or put on Shore before ſuch Cocket or Cockets are produced at the Port or Place of Diſcharge, or if the Goods do not agree in all Reſpects therewith, the Goods, in any or either of thoſe Caſes, ſhall be forfeited and loſt; and any Officer of his Majeſty's Cuſtoms

No Goods to be ſhipped in one *Britiſh* Colony to be carried to another without a Sufferance; and taking out a proper Cocket; which is to be produced at the Port of Diſcharge; on Forfeiture of the Goods.

Goods alſo to be forfeited if they do not agree with the Cocket,

Veſſels diſcovered nearthe Coaſt may be ſtopt: andthe Goods, for which no Cocket is produced, may be ſeized.

toms is hereby impowered to ſtop any ſuch Ship or veſſel, bound as aforeſaid, which ſhall be diſcovered within Two Leagues of the Shore of any of the ſaid *Britiſh* Colonies or Plantations in *America*, and to ſeize and take from thence all the Goods which ſhall be found on Board ſuch Ship or veſſel for which no ſuch Cocket or Cockets ſhall be produced to him.

And whereas *Britiſh* veſſels arriving from foreign Parts at ſeveral of the Out Ports of this Kingdom, fully or in Part laden Abroad with Goods that are pretended to be deſtined to ſome Foreign Plantation, do frequently take on Board ſome ſmall Parcels of Goods in this Kingdom which are entered outwards for ſome *Britiſh* Colony or Plantation, and a Cocket and clearance thereupon granted for ſuch Goods, under cover of which the whole Cargoes of ſuch veſſels are clandeſtinely landed in the *Britiſh American* Dominions, contrary to ſeveral Acts of Parliament now in Force, to the great Prejudice of the Trade and Revenue of this Kingdom; for Remedy whereof, be it further enacted by the Authority aforeſaid, That from and after the Firſt Day of *May* One thouſand ſeven hundred and ſixty four, no Ship or veſſel ſhall, upon any pretence whatſoever, be cleared outwards from any Port or this Kingdom, for any Land, Iſland, Plantation, Colony, Territory, or Place, to his Majeſty belonging, or which ſhall hereafter belong unto or be in the poſſeſſion or under the Dominion of his Majeſty, his Heirs, or Succeſſors, in *America*, unleſs the whole and entire Cargo of ſuch Ship or veſſel ſhall be *bona fide*, and without Fraud, laden and ſhipped in this Kingdom; and any Officer of his Majeſty's Cuſtoms is hereby impowered to ſtop any *Britiſh* Ship or veſſel arriving from any Part of *Europe*, which ſhall be diſcovered within two Leagues of the ſhore of any of the ſaid *Britiſh* colonies and Plantations in *America*, and to ſeize and take from thence, as forfeited, any Goods (except as herein after mentioned) for which the Maſter or other Perſon taking the charge of ſuch Ship or veſſel ſhall not produce a Cocket or Clearance from the Collector or proper Officer of his Majeſty's Cuſtoms, certifying that the ſaid Goods were laden on Board of the ſaid Ship or veſſel in ſome Port of *Great-Britain*.

No Veſſel to be cleared out for any of the *Britiſh* Colonies in *America*, unleſs the whole Cargo be ſhipped in this Kingdom

and whereany *European* veſſel is diſcovered near ſuch Coaſts, the Goods for which nosuch Cocket is produced, may be ſeized.

Provided always, That this Act ſhall not extend, nor be conſtrued to extend, to forfeit, for want of ſuch Cocket or clearance, any Salt laden in *Europe* for the Fiſheries in *New-England*, *Newfoundland*, *Penſylvania*, *New-York*, and *Nova-Scotia*, or any other Place to which Salt is or ſhall be allowed by Law to be carried; Wines laden in the *Madeiras*, of the Growth thereof; and Wines of the Growth of *Weſtern Iſlands*, or *Azores*, and laden there; nor any Horſes, victuals, or Linen Cloth, of and from *Ireland*, which may be laden on Board ſuch Ships or veſſels.

Salt.

*Madira* Wines, *&c.*

Horſes, proviſions, or Linens from *Ireland*, excepted.

And it is hereby further enacted, That if any Perſon or Perſons ſhall counterfeit, raſe, alter, or falſify, any Affidavit, Certificate, Sufferance, Cocket or Clearance, required or directed by this Act, or ſhall knowingly or willingly make uſe of any Affidavit, Certificate, Sufferance, Cocket or clearance, ſo counterfeited, raſed, altered, or falſified, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit the Sum of Five Hundred Pounds; and ſuch Affidavit, Certificate, Sufferance, Cocket, or Clearance, ſhall be invalid and of no Effect.

Penalty on counterfeiting, *&c.* any Affidavit or Certificate, 500*l.* *&c.*

And whereas by an Act of Parliament, made in the ninth Year of the Reign of his late Majeſty King *George* the Second, intitled, *An Act for indemnifying Perſons who have been guilty of Offences againſt the Laws made for ſecuring the Revenue of Cuſtom and Exciſe; and for enforcing thoſe Laws for the future*, and by other Acts of Parliament ſince made, which are now in Force, in order to prevent the clandeſtine Landing of Goods in this Kingdom from veſſels which hover upon the Coaſts thereof, ſeveral Goods and veſſels, in thoſe Laws particularly mentioned and deſcribed, are declared to be forfeited, if ſuch veſſels are found at anchor, or hovering within

Clauſes in Act 9 *Geo.* II.

within Two Leagues of the Shore of this Kingdom, without being compelled thereto by Neceſſity or Diſtreſs of Weather; which Laws have been found very beneficial to the publick Revenue: And whereas, if ſome Proviſion of that Sort was extended to his Majeſty's *American* Dominions, it may be a Means of preventing an illicit Trade therewith, and tend to enforce an Act made in the Twelfth Year of the Reign of King *Charles* the Second, intitled, *An Act for the encouraging and increaſing of Shipping and Navigation*, and another Act made in the Seventh and Eighth Year of the Reign of King *William* the Third, intitled, *An Act for preventing Frauds, and regulating Abuſes in the Plantation Trade*, ſo far as thoſe Laws do prohibit any Goods or Commodities to be imported into or exported out of any *Britiſh* Colony or Plantation in *America*, in any Foreign Ship or Veſſel; to which End therefore, be it enacted by the Authority aforeſaid, That from and after the Twenty ninth Day of *September*, One thouſand ſeven hundred and ſixty four, if any foreign Ship or Veſſel whatſoever ſhall be found at Anchor, or hovering within Two Leagues of the Shore of any Land, Iſland, Plantation, Colony, Territory, or Place, which ſhall or may be in the Poſſeſſion or under the Dominion of his Majeſty, his Heirs or Succeſſors, in *America*, and ſhall not depart from the Coaſt, and proceed upon her Voyage to ſome Foreign Port or Place, within Forty eight Hours after the Maſter or other Perſon taking the Charge of ſuch Ship or Veſſel ſhall be required ſo to do by any Officer of his Majeſty's Cuſtoms, unleſs in Caſe of unavoidable Neceſſity and Diſtreſs of Weather, ſuch Ship or Veſſel, with all the Goods therein laden, ſhall be forfeited and loſt, whether Bulk ſhall have been broken or not; and ſhall and may be ſeized and proſecuted by any Officer of his Majeſty's Cuſtoms, in ſuch Manner and Form as hereinafter is expreſſed.

12 *Car.* II. and 7 & 8 *Will.* III.

Foreign Veſſels found at Anchor, or hovering on the Coaſts of any of the *Britiſh American* Dominions, and not departing, unleſs diſtreſſed, within 48 Hours after Notice, are liable to be forfeited, together with the Goods.

Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to any Ship or Veſſel belonging to the Subjects of the *French* King, which ſhall be found fiſhing, and not carrying on any illicit Trade, on that part of the Iſland of *Newfoundland*, which ſtretches from the Place called *Cape Bonaviſta* to the Northern Point of the ſaid Iſland, and from thence running down to the Weſtern Side, reaches as far as the Place called *Point Riche*.

Except *French* Fiſhing Veſſels off *Newfoundland*.

And, in order to prevent any illicit Trade or Commerce between his Majeſty's Subjects in *America*, and the Subjects of the Crown of *France* in the Iſlands of *Saint Pierre* and *Miquelon*, it is hereby further enacted by the Authority aforeſaid, That from and after the Twenty ninth Day of *September*, One thouſand ſeven hundred and ſixty four, if any *Britiſh* Ship or veſſel ſhall be found ſtanding into, or coming out from, either of thoſe Iſlands, or hovering or at Anchor within two Leagues of the Coaſts thereof, or ſhall be diſcovered to have taken any Goods or Merchandizes on Board at either of them, or to have been there for that Purpoſe; ſuch Ship or veſſel, and all the Goods ſo taken on Board there, ſhall be forfeited and loſt, and ſhall and may be ſeized and proſecuted by any Officer of his Majeſty's Cuſtoms; and the Maſter or other Perſon having the Charge of ſuch Ship or veſſel, and every Perſon concerned in taking any ſuch Goods on Board, ſhall forfeit Treble the value thereof.

*Britiſh* Veſſels found ſtanding into, or coming out from the Iſles of *St. Pierre* and *Miquelon* or hovering, *&c.* on the Coaſts, or with Goods on Board from thence, *&c.* are forfeited, together with the Goods; and the Maſter, *&c* forfeits alſo Treble Value.

And, to prevent the concealing any Goods in falſe Packages, or private Places, on Board any Ship or veſſel arriving at any of the *Britiſh* Colonies or Plantations in *America*, with intent to their being clandeſtinely landed there, be it further enacted by the Authority aforeſaid, That from and after the Twenty ninth Day of *September*, One thouſand ſeven

Concealed Goods found on Board after Report made by the Master, and not comprised in his Report, are forfeited; and the Master, being privy to the Fraud forfeits Treble the Value.

hundred and sixty four, all Goods which shall be found concealed in any Place whatsoever on Board any such Ship or Vessel, at any Time after the Master thereof shall have made his Report to the Collector or other proper Officer of the Customs, and which shall not be comprized or mentioned in the said Report, shall be forfeited and lost, and shall and may be seized and prosecuted by any Officer of the Customs; and the Master or other Person having the Charge or Command of such Ship or Vessel (in case it can be made appear, that he was in any wise consenting or privy to such Fraud or Concealment), shall forfeit Treble the value of the Goods so found.

If customed Goods be either laden on Board, or landed before the Duties are paid, or prohibited Goods be imported into, or exported out of, any of the *British* Colonies in *America*, the persons concerned therein forfeit Treble the Value; together with the Boats, Carriages and Cattle employed.

And it is hereby further enacted by the Authority aforesaid, That from and after the Twenty ninth Day of *September*, One thousand seven hundred and sixty four, if any Goods or Merchandizes whatsoever, liable to the Payment of Duties in any *British* Colony or Plantation in *America* by this or any other Act of Parliament, shall be loaden on Board any Ship or Vessel outward bound, or shall be unshipped or landed from any Ship or vessel inward bound, before the respective Duties due thereon are paid, agreeable to Law; or if any prohibited Goods whatsoever shall be imported into, or exported out of, any of the said Colonies or Plantations, contrary to the true Intent and Meaning of this or any other Act of Parliament; every Person who shall be assisting, or otherwise concerned, either in the loading outwards, or in the unshipping or landing inwards, such Goods, or to whose Hands the same shall knowingly come after the loading or unshipping thereof, shall, for each and every Offence, forfeit Treble the Value of such Goods, to be estimated and computed according to the best Price that each respective Commodity bears at the Place where such Offence was committed; and all the Boats, Horses, Cattle, and other Carriages whatsoever, made use of in the loading, landing, removing, carriage, or conveyance, of any of the aforesaid Goods, shall also be forfeited, and lost, and shall and may be seized and prosecuted by any Officer of his Majesty's Customs, as herein after mentioned.

Officer receiving any Bribe &c. conniving at a false Entry; making a collusive Seizure or guilty of other Fraud in his Office; forfeits 500*l.* and is disabled; And Persons giving, or promising any Bribe, &c. to such Officer, in order to betray his Trust, forfeit 50*l.*

And it is hereby further enacted by the Authority aforesaid, That from and after the Twenty ninth Day of *September* One thousand seven hundred and sixty four, if any Officer of his Majesty's Customs shall, directly or indirectly, take or receive any Bribe, Recompence, or Reward, in any Kind whatsoever; or connive at any false entry, or make any collusive Seizure or Agreement; or do any other Act or Deed whatsoever by which his Majesty, his Heirs or Successors, shall or may be defrauded in his or their Duties, or whereby any Goods prohibited shall be suffered to pass either inwards or outwards, or whereby the Forfeitures and Penalties inflicted by this or any other Act of Parliament relating to his Majesty's Customs in *America* may be evaded; every such Officer therein offending shall, for each and every Offence, forfeit the Sum of Five hundred Pounds, and be rendered incapable of serving his Majesty in any Office or Employment Civil or Military: And if any Person or Persons whatsoever shall give, offer, or promise to give, any Bribe, Recompence or Reward, to any Officer of the Customs, to do, conceal, or connive at, any Act, whereby any of the Provisions made by this or any other Act of Parliament relating to his Majesty's Customs in *America* may be evaded or broken, every such Person or Persons shall, for each and every such Offence (whether the same Offer, Proposal, or Promise, be accepted or performed, or not) forfeit the Sum of Fifty Pounds.

Clause in Act 7 & 8 *Will.* III.

And whereas by an Act of Parliament made in the Seventh and Eighth Year of the Reign of King *William* the Third, intitled, *An Act for preventing*

*venting Frauds, and regulating Abuses, in the Plantation Trade*, all Governors or Commanders in Chief of any of his Majesty's Colonies or Plantations, are required to take a solemn Oath, to do their utmost that all the Clauses, Matters, and Things, contained in that Act, and several other Acts of Parliament therein referred to, relating to the said Colonies and Plantations, be punctually and *bona fide* observed, according to the true Intent and Meaning thereof: And whereas divers other good Laws have been since made, for the better regulating and securing the Plantation Trade: Be it further enacted by the Authority aforesaid, that all the present Governors or Commanders in Chief of any *British* Colony or Plantation shall, before the Twenty ninth Day of *September* One thousand seven hundred and sixty four, and all who hereafter shall be made Governors or Commanders in Chief of the said Colonies or Plantations, or any of them, before their Entrance into their Government, shall take a solemn Oath, to do their utmost that all the Clauses, Matters, and Things, contained in any Act of Parliament heretofore made, and now in Force, relating to the said Colonies and Plantations, and that all and every the Clauses contained in this present Act, be punctually and *bona fide* observed, according to the true Intent and Meaning thereof, so far as appertains unto the said Governors or Commanders in Chief respectively, under the like Penalties, Forfeitures, and Disabilities, either for neglecting to take the said Oath, or for wittingly neglecting to do their Duty accordingly, as are mentioned and expressed in the said recited Act made in the Seventh and Eighth Year of the Reign of King *William* the Third; and the said Oath, hereby required to be taken, shall be administred by such Person or Persons as hath or have been, or shall be, appointed to administer the Oath required to be taken by the said Act made in the Seventh and Eighth Year of the Reign of King *William* the Third.

Governors, or Commanders in Chief of the *British* Colonies, are to take an Oath for the due Execution of their Duty in this and all other Acts relating to the said Colonies, *&c.* under the Penalties in the recited Act of 7&8 *Will.* III.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures herein before mentioned, which shall be incurred in *Great-Britain*, shall and may be prosecuted, sued for, and recovered, in any of his Majesty's Courts of Record at *Westminster*, or in the Court of Exchequer in *Scotland*, respectively; and (all necessary Charges for the Recovery thereof being first deducted) shall be divided and applied, One Moiety to and for the Use of his Majesty, his Heirs and Successors, and the other Moiety to the Seizor or Prosecutor.

Penalties and Forfeitures incurred in *Great Britain* where to be recovered; and how to be divided and applied.

And it is hereby further enacted and declared, That from and after the Twenty ninth Day of *September*, One thousand seven hundred and sixty four, all Sums of Money granted and imposed by this Act, and by an Act made in the Twenty fifth Year of the Reign of King *Charles* the Second, intitled, *An Act for the Encouragement of the* GREENLAND *and* EASTLAND *Trades, and for the better securing the Plantation Trade*, as Rates or Duties; and also all Sums of Money imposed as Penalties or Forfeitures, by this or any other Act of Parliament relating to the Customs, which shall be paid, incurred, or recovered, in any of the *British* Colonies or Plantations in *America*; shall be deemed, and are hereby declared to be Sterling Money of *Great-Britain*, and shall be collected, recovered, and paid, to the Amount of the Value which such Nominal Sums bear in *Great Britain*; and that such Monies shall and may be received and taken according to the Proportion and Value of Five Shillings and Six Pence the ounce in Silver; and that all the Forfeitures and Penalties inflicted by this or any other Act or Acts of Parliament relating to the Trade and Revenue of the said *British* Colonies or Plantations in *America*, which shall be incurred there, shall and may be prosecuted,

The money granted by this Act, and Act, 25 *Car.* II. as Rates or Duties; and the penalties and Forfeitures relating to the customs, in *America*, are to be deemed Sterling Money of *Great Britain* at the Rate of 5*s.* 6*d. per* Ounce, in Silver.

Penalties and Forfeitures in *America*, may be recovered in the Courts of Record there, or Court of Vice Admiralty; and the Net Produce is to be paid,

One Third to the King, One Third to the Governor and One Third to the Profecutor,

But Seizures made at Sea by the King's Ships are to go, One Moiety to the King, and the other to the Profecutor; fubject nevertheleſs to ſuch Diſtribution, as His Majeſty by Order of Council, or Proclamation ſhall make.

Where the Seizure ſhall not anſwer the Expence of Condemnation and Sale, or a Virdict be given for the Claimant the Charges, with approbation of the Commiſſioners, may be defrayed out of the Cuſtoms in *America*.

No Claim to be admitted, till Security to anſwer Coſts be given, to the Amount of 60 *l.* and in Default, Ship and Goods to be condemned.

ſecuted, ſued for, and recovered, in any Court of Record, or in any Court of Admiralty, in the ſaid Colonies or Plantations where ſuch Offence ſhall be committed, or in any Court of vice Admiralty which may or ſhall be appointed over all *America* (which Court of Admiralty or Vice Admiralty are hereby reſpectively authorized and required to proceed, hear, and determine the ſame) at the Election of the Informer or Proſecutor.

And it is hereby further enacted, That all Penalties and Forfeitures ſo recovered there, under this or any former Act of Parliament, ſhall be divided, paid, and applied, as follows; that is to ſay, after deducting the Charges of Proſecution from the Groſs Produce thereof, One third Part of the Net Proceeds ſhall be paid into the Hands of the Collector of his Majeſty's cuſtoms at the Port or Place where ſuch Penalties or Forfeitures ſhall be recovered, for the Uſe of his Majeſty his Heirs and Succeſſors; One Third Part to the Governor or Commander in chief of the ſaid colony or Plantation; and the other Third Part to the Perſon who ſhall ſeize, inform, and ſue for the ſame; excepting ſuch Seizures as ſhall be made at Sea by the Commanders or Officers of his Majeſty's Ships or Veſſels of War duly authorized to make Seizures; One Moiety of which Seizures, and of the Penalties and Forfeitures recovered thereon, firſt deducting the charges of Proſecution from the Groſs produce thereof, ſhall be paid as aforeſaid to the Collector of his Majeſty's Cuſtoms, to and for the Uſe of his Majeſty, his Heirs and Succeſſors, and the other Moiety to him or them who ſhall ſeize, inform, and ſue for the ſame; any Law, Cuſtom, or Uſage, to the contrary notwithſtanding; ſubject nevertheleſs to ſuch Diſtribution of the Produce of the Seizures ſo made at Sea, as well with regard to the Moiety herein before granted to his Majeſty, his Heirs and Succeſſors, as with regard to the other Moiety given to the Seizor or Proſecutor, as his Majeſty, his Heirs and Succeſſors, ſhall think fit to order and direct by any Order or Orders of Council, or by any Proclamation or Proclamations, to be made for that Purpoſe.

Provided always, and it is hereby further enacted by the Authority aforeſaid, That if the Produce of any Seizure made in *America*, ſhall not be ſufficient to anſwer the Expences of Condemnation and Sale; or if upon the Trial of any Seizure of any Ship or Goods, a Verdict or Sentence ſhall be given for the Claimant, in either of thoſe Caſes, the Charges attending the ſeizing and proſecuting ſuch Ship or Goods ſhall and may, with the conſent and Approbation of any four of the Commiſſioners of his Majeſty's Cuſtoms, be paid out of any Branch of the Revenue of Cuſtoms ariſing in any of the *Britiſh* Colonies or Plantations in *America*; any thing in this or any other Act of Parliament to the contrary notwithſtanding.

And it is hereby further enacted by the Authority aforeſaid, That from and after the ſaid Twenty ninth Day of *September*, One thouſand ſeven hundred and ſixty four, no Perſon ſhall be admitted to enter a Claim to any Ship or Goods ſeized in purſuance of this or any other Act of Parliament, and Proſecuted in any of the *Britiſh* Colonies or Plantations in *America*, until ſufficient Security be firſt given, by Perſons of known Ability, in the Court where ſuch Seizure is proſecuted, in the Penalty of Sixty Pounds, to anſwer the Coſts and Charges of Proſecution; and, in Default of giving ſuch Security, ſuch Ship or Goods ſhall be adjudged to be forfeited, and ſhall be condemned.

And

And it is hereby further enacted by the Authority aforesaid, That from and after the Twenty ninth Day of *September*, One thousand seven hundred and sixty four, if any Ship or Goods shall be seized for any Cause of Forfeiture, and any Dispute shall arise whether the Customs and Duties for such Goods have been paid, or the same have been lawfully imported or exported, or concerning the Growth, Product, or Manufacture, of such Goods, or the Place from whence such Goods were brought, then and in such Cases, the Proof thereof shall lie upon the Owner or Claimer of such Ship or Goods, and not upon the Officer who shall seize or stop the same; any Law, Custom or Usage, to the contrary notwithstanding.

Where Ship or Goods are seized for any Cause of Forfeiture, the Owner is to prove the matter in Dispute.

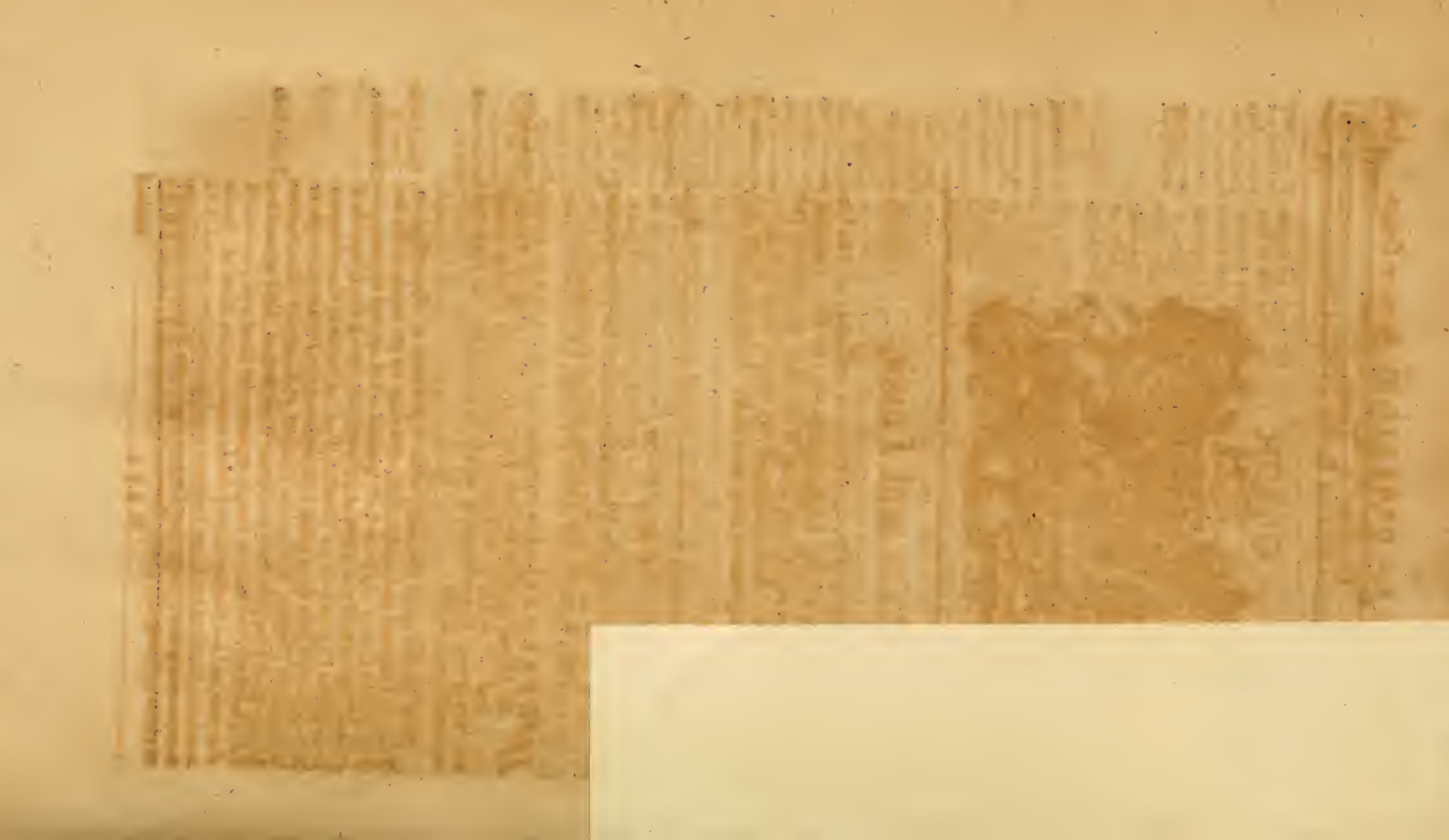
And be it further enacted by the Authority aforesaid, That from and after the Twenty-ninth Day of *September*, One thousand seven hundred and sixty four, in case any Information shall be commenced and brought to Trial in *America*, on account of any Seizure of any Ship or Goods as forfeited by this or any other Act of Parliament relating to his Majesty's Customs, wherein a Verdict or Sentence shall be given for the Claimer thereof; and it shall appear to the Judge or Court before whom the same shall be tried, that there was a probable Cause of Seizure, the Judge or Court before whom the same shall be tried shall certify on the Record or other Proceedings, that there was a probable Cause for the Prosecutors seizing the said Ship or Goods; and, in such Case, the Defendant shall not be intitled to any Costs of Suit whatsoever; nor shall the Persons who seized the said Ship or Goods, be liable to any Action, or other suit or Prosecution, on account of such Seizure: And in case any Action or other Suit or Prosecution, shall be commenced and brought to Trial against any Person or Persons, whatsoever, on account of the seizing any such Ship or Goods, where no Information shall be commenced or brought to Trial to condemn the same, and a Verdict or Sentence shall be given upon such Action or Prosecution against the Defendant or Defendants; if the Court or Judge before whom such Action or Prosecution, shall certify in like Manner as aforesaid that there was a probable Cause for such Seizure, then the Plantiff, besides his Ship or Goods so seized, or the Value thereof, shall not be intitled to above Two Pence Damages, nor to any Costs of Suit; nor shall the Defendant in such Prosecution be fined above One Shilling.

In trials upon Information, in *America*, where a probable Cause of Seizure appears, the Judge shall certify the same on the Record; and the Defendant shall have no Costs nor Action; and in Suits, where no Information shall be commenced and brought to Trial, and the Court shall certify there was a probable Cause of Seizure, the Plaintiff shall have but 2*d.* Damages, and no Costs; and the Defendant be fined not more than 1*s.*

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced, either in *Great-Britain* or *America*, against any Person or Persons for any thing done in pursuance of this or any other Act of Parliament relating to his Majesty's Customs, the Defendant or Defendants in such Action or Suit may plead the General Issue, and give the said Acts, and the Special Matter, in evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of such Act; and if it shall appear so to have been done, the Jury shall find for the Defendant or Defendants; and if the Plantiff shall be nonsuited, or discontinue his Action after the Defendant or Defendants shall have appeared, or if Judgment shall be given upon any Verdict or Demurrer against the Plantiff, the Defendant or Defendants shall recover Treble Costs, and have the like Remedy for the same as Defendants have in other Cases by Law.

General Issue.

Treble Costs



# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay*, in *New-England*: Begun and held at *Concord*, upon Wedneſday the thirtieth Day of *May*, 1764. And continued by ſundry Prorogations to Thurſday the eighteenth Day of *October* following, and then met at *Boſton*.

## CHAP. IV.

## An Act for erecting the Plantation called *Gorham-Town*, into a Town by the Name of *Gorham*.

*WHEREAS it has been repreſented to this Court, that the erecting the Plantation called* Gorham-Town *in the County of* Cumberland *into a Town, will greatly contribute to the Growth thereof, and remedy many Inconveniences to which the Inhabitants and Proprietors may be otherwiſe ſubject.* Preamble.

*Be it enacted by the Governor, Council, and houſe of Repreſentatives*, That the Plantation commonly called and known by the Name of *Gorham Town*, in the County of *Cumberland*; bounded as follows, viz. beginning at a marked Tree on the weſterly Side of *Peſumpſcot-River* in a courſe South Weſt twenty three Degrees from the Hemlock Tree, on the other Side of the ſaid River, which is fifteen Poles below Inkhorn Brook; and thence running South twenty three Degrees, Weſt on the Head of *Falmouth* two Miles and two Hundred and twenty ſix Poles to a Spruce Tree marked, ſtanding about two Poles weſtward of an old Maſt Path, being the corner Bounds of *Scarborough*, *Falmouth*, and ſaid *Gorham-Town*, thence running on the Head of *Scarborough*, nine Hundred and fifteen Poles to a large Hemlock Tree marked N. G. thence running North thirty three Degrees Weſt ſeven Miles and one Quarter of a Mile by Naraganſet *Numb.* One to a Fir-Tree marked; and from theuce Bounds of the Town of *Gorham*.

running North East seven Miles and two hundred Poles to said *Pesumpscot-River*, to a large Hemlock Tree about two Rods from the said River, marked G. P. and bounded North-easterly by said River; be and hereby is erected into a Town by the Name of *Gorham*. And that the Inhabitants thereof be, and hereby are invested with all the Powers, Priviledges and Immunities, which the Inhabitants of the Towns within this Province do or may enjoy.

Proviso. *Provided*, That none of the Inhabitants or Proprietors of said Town be held by vertue of this Act of Incorporation to pay any part of the ministerial Charges heretofore arisen in said Plantation, which they were not obliged (by their own Contract) to pay previous to such incorporation.

Town Meeting to be warned, *And be it further enacted*, That *Stephen Longfellow*, Esq; be and hereby is impowered to issue his Warrant directed to some principal Inhabitant in said Town, requiring him to warn the Inhabitants of the said Town qualified to vote in Town Affairs, to meet at such Time and Place as shall be therein set forth, to chuse all such Officers as are or shall be required by Law to manage the Affairs of the said Town.

## CHAP. V.

## An Act for erecting a Town in the County of *Lincoln*, by the Name of *Boothbay*.

Preamble. *WHEREAS the Inhabitants of Land lying between* Sheepscot *and* Damariscotta River, *within the County of* Lincoln, *known by the Name of* Townsend, *have petitioned this Court that for the Reasons mentioned they may be incorporated into a Town, and vested with the Powers and Authorities belonging to other Towns*:

For the Encouragement of said Settlement:

*Be it enacted by the Governor, Council, and House of Representatives*,

Bounds of the Town of *Boothbay*. That the said Tract of Land described and bounded as follows, *viz.* Beginning at the most notherly Part of a Bay called the *Oven's-Mouth*; and from thence to run an East South East Course to *Damariscotta River*; thence Southerly down said River to the Sea, or Western Ocean, then to run Westerly on the Sea Coast as the Coast lies to the Mouth of *Sheepscot-River*, then to run Notherly up *Sheepscot-River*, between *Jeremy Squam Island* and *Barter's* Island, to the Cross River at the Head of the said *Barter's* Island, and from thence over the Water to the most Notherly Part of the *Oven's Mouth* aforesaid, with all the Islands in *Damariscotta-River* below or to the Southward of the first described Line, and also all the Islands lying within six Miles from the Main Land to the South, between the aforementioned Rivers of *Sheepscot* and *Damariscotta*; be and hereby is erected into a Town by the Name of *Boothbay*: and the Inhabitants thereof shall have and enjoy all such Immunities and Priviledges as other Towns in this Province have and do by Law enjoy.

Town Meeting to be warned. *And be it further enacted*, That *Samuel Denny*, Esq; be and hereby is impowered to issue his Warrant to some principal Inhabitant of the said Town of *Boothbay*, requiring him in his Majesty's Name to warn and notify the said Inhabitants, qualified to vote in Town Affairs, to meet together at such Time and Place in said Town as shall be appointed in said Warrant to chuse such Officers as the Law directs, and may be necessary to manage the Affairs of said Town, and the Inhabitants so met shall be and are hereby impowered to chuse such Officers accordingly.

*BOSTON*: Printed by S. KNEELAND, by Order of His Excellency the Governor, Council and House of Representatives. 1764.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſets-Bay* in *New-England*: Begun and held at *Concord* in the County of *Middleſex*, upon Wedneſday the Thirtieth Day of *May*, 1764, and from thence continued by ſundry Prorogations to Wedneſday the Ninth Day of *January* following, and then met at *Boſton* in the County of *Suffolk*.

## CHAP. VI.

An Act for determining the Times for holding the Superior Courts of Judicature, Court of Aſſize and General Goal Delivery, in the ſeveral Counties within the Province.

*WHEREAS from a Change of Circumſtances in diversCounties within the Province, and for other ſufficient Reaſons, it is judged neceſſary that there ſhould be an Alteration in the Times of holding the Superior Court of Judicature, Court of Aſſize and General Goal Delivery in ſuch Counties; and it is alſo judged convenient in one Act or Law to ſettle and determine the Time for holding the ſaid Courts in all the Counties of the Province:* Preamble.

THEREFORE,

Be it enacted by the Governor, Council, and Houſe of Repreſentatives, That the Times and Places for holding and keeping the Superior Court of Judicature, Court of Aſſize and General Goal Delivery, ſhall for the future be as followeth, *That is to ſay*, The Times fixed for holding the SuperiorCourts&c. for the future.

Within and for the County of *Suffolk*, at *Boſton*, on the ſecond Tueſday in *March*, and the laſt Tueſday in *Auguſt*.

Within and for the County of *Eſſex*, at *Salem*, on the firſt Tueſday in *November*, and at *Ipſwich* on the third Tueſday in *June*.

Within and for the County of *Middleſex*, at *Cambridge* on the laſt Tueſday in *October*, and at *Charleſtown* on the ſecond Tueſday in *April*.

Within the County of *Hampſhire*, and for the Counties of *Hampſhire* and *Berkſhire*, at *Springfield*, on the fourth Tueſday in *September*.

Within and for the County of *Worceſter*, at *Worceſter* on the third Tueſday in *September*.

Within and for the County of *Plymouth*, at *Plymouth* on the third Tueſday in *May*.

Within the County of *Barnſtable*, and for the Counties of *Barnſtable* and *Dukes-County*, at *Barnſtable* on the Wedneſday preceding the third Tueſday in *May*.

Within and for the County of *Briſtol*, at *Taunton*, on the ſecond Tueſday in *October*.

Within and for the County of *York*, at *York*, on the Tueſday next after the fourth Tueſday of *June*.

Within theCounty of *Cumberland*, and for theCounties of *Lincoln* and *Cumberland*, at *Falmouth*, on the fourth Tueſday of *June*.

Any former Law, Uſage or Cuſtom to the contrary notwithſtanding.

Appeals, Writs of Review, &c. declared to be returnable accordingly.

**And be it further enacted**, That all Appeals, Writs of Review, Executions, and all Recognizances, Warrants, Proceſſes, Matters or Things whatſoever returnable to, or which might have been proceeded on, adjudged and determined at any Court, the Time for holding which is altered by this Act, ſhall be in like Manner returnable to, and may in like Manner be proceeded on, adjudged and determined at the Court in the ſame County to be holden next after, by Virtue of this Act.

---

## CHAP. II.

## An Act determining at what Times and Places the ſeveral Inferior Courts of Common Pleas, and Courts of General Seſſions of the Peace, ſhall be held within and for the ſeveral Counties of the Province for the future.

Preamble.

*WHEREAS by Reaſon of the Alteration made in the Times of holding the Superior Court of Judicature, Court of Aſſize and General Goal Delivery, in divers Counties of the Province, it is neceſſary there ſhould be an Alteration of the Times of holding the Inferior Court of Common Pleas and Court of General Seſſions of the Peace in ſeveral of the ſaid Counties, and it is convenient that the Times and Places for holding all and every of the ſaid Courts ſhall be aſcertained and appear in one Act.*

The Times fixed for holding the Inferior Courts & Courts of Seſſions in the ſeveral Counties.

**Be it therefore enacted by the Governor, Council, and Houſe of Repreſentatives**, That the Times and Places for holding the Inferior Courts of Common Pleas and Courts of General Seſſions of the Peace, within and for the ſeveral Counties in the Province, ſhall henceforth Yearly and every Year be as follows; and all former Acts of this Government determining the Times and Places for holding ſuch Courts are hereby repealed and made void.

And the ſaid Courts ſhall be held within and for the County of *Suffolk* at *Boſton*, on the firſt Tueſday of *January*, the third Tueſday in *April*, the ſecond Tueſday in *July*, and the firſt Tueſday in *October*.

Within

Within and for the County of *Eſſex*, at *Salem* the ſecond Tueſday in *July*, and laſt Tueſday in *December*; at *Ipſwich*, the laſt Tueſday in *March*; and at *Newbury-Port* the laſt Tueſday in *September*.

Within and for the County of *Middleſex*, at Cambridge the third Tueſday in *May*; at *Charleſtown* the firſt Tueſday in *March*, and laſt Tueſday in *November*; and at *Concord*, the ſecond Tueſday in *September*.

Within and for the County of *Hampſhire*, at *Springfield* the third Tueſday in *May*, and the laſt Tueſday in *Auguſt*; at *Northampton* the ſecond Tueſday in *February*, and the ſecond Tueſday in *November*.

Within and for the County of *Worceſter*, at *Worceſter* the firſt Tueſday in *January*, the ſecond Tueſday in *May*, the third Tueſday in *Auguſt*, and the firſt Tueſday in *November*.

Within and for the County of *Plymouth*, at *Plymouth* the ſecond Tueſday in *April*, the firſt Tueſday in *July*, the firſt Tueſday in *October*, and the ſecond Tueſday in *December*.

Within and for the County of *Barnſtable*, at *Barnſtable* the firſt Tueſday in *April*, the laſt Tueſday in *June*, the laſt Tueſday in *September*, and the firſt Tueſday in *December*.

Within and for the County of *Briſtol*, at *Taunton* the third Tueſday in *February*, the firſt Tueſday in *May*, the third Tueſday in *Auguſt*, and and the third Tueſday in *November*.

Within and for the County of *York*, at *York* the firſt Tueſday in *January*, the ſecond Tueſday in *April*, and the ſecond Tueſday in *July*, and at *Biddeford* the ſecond Tueſday in *October*.

Within and for the County of *Cumberland*, at *Falmouth* the third Tueſday in *April*, and third Tueſday in *October*.

Within and for the County of *Lincoln*, at *Pownallborough*, the firſt Tueſday in *June*, and laſt Tueſday in *September*.

Within and for *Duke's-County*, at *Edgartown* the firſt Tueſday in *March*, and at *Tiſbury* the laſt Tueſday in *October*.

Within and for the County of *Nantucket*, at *Sherburne* the laſt Tueſday in *March*, and firſt Tueſday in *October*.

Within and for the County of *Berks*, at *Great-Barrington*, the laſt Tueſday in *April*, and firſt Tueſday in *September*; at *Pittsfield* the firſt Tueſday in *March*, and firſt Tueſday in *December*.

Writs and other Matters declared to be returnable accordingly.

**And be it further enacted**, That all Original Writs, Summons, Warrants, Recognizances, Executions, Proceſſes, Matters or Things of what Kind ſoever, returnable to, or which might have been adjudged, determined or acted upon at any Court the Time for holding of which is altered by this Act, ſhall be in like Manner returnable to, adjudged, determined and acted upon at the Court in the ſame County to be holden next after by Virtue of this Act.

Saving for *Charleſtown* Court the preſent Year.

*Provided always*, And it is accordingly to be underſtood, That the Inferior Court of Common Pleas and Court of General Seſſions of the Peace for the County of *Middleſex*; ſhall be held at *Charleſtown* on the ſecond Tueſday of *March*, this preſent Year, inſtead of the firſt Tueſday of the ſaid *March*, any Thing in this Act to the contrary notwithſtanding.

CHAP.

## CHAP. VIII.

An Act in Addition to, and in Explanation of, two Acts made and paſſed in the preſent Year of His Majeſty's Reign, the one intitled, "An Act for "determining the Times for holding the Superior "Court of Judicature, Court of Aſſize, and General "Goal Delivery, in the ſeveral Counties within this "Province." The other intitled, "An Act de-"termining at what Times and Places the ſeveral "Inferior Courts of Common Pleas, and Courts of "General Seſſions of the Peace, ſhall be held with-"in and for the ſeveral Counties of the Province "for the future."

Preamble.

*WHEREAS in and by an Act made and paſſed in the preſent Year of His Majeſty's Reign, intitled, "An Act for determining the "Times for holding the Superior Court of Judicature, Court of "Aſſize, and General Goal Delivery, in the ſeveral Counties within this "Province," it is among other Things enacted as follows, viz. "That "all Appeals, Writs of Review, Recognizances, Warrants, Proceſſes, "Matters or Things whatſoever, returnable to, or which might have been "proceeded on, adjudged and determined at any Court, the Time for holding "which is altered by this Act, ſhall be in like Manner returnable to, and "may in like Manner be proceeded on, adjudged and determined at the Court "in the ſame County to be holden next after by virtue of this Act."— And in and by another Act made and paſſed in the preſent Year of His Majeſty's Reign, intitled, "An Act determining at what Times and Places "the ſeveral Inferior Courts of Common Pleas, and Courts of General "Seſſions of the Peace, ſhall be held within and for the ſeveral Counties in the Province for the future," it is among other Things enacted as follows, viz. "That all original Writs, Summons, Warrants, Recognizan-"ces, Executions, Proceſſes, Matters or Things of what Kind ſoever, "returnable to, or which might have been adjudged, determined or acted "upon at any Court, the Time for holding of which is altered by this Act, "ſhall be in like Manner returnable to, adjudged, determined and acted "upon at the Court in the ſame County, to be holden next after by virtue "of this Act."*

*AND WHEREAS it may be doubtful whether the ſaid Clauſes, or either of them, extend to the Service of Executions which are returnable to any Court, the Time for holding which is altered by the ſaid Acts, after the Day when by Law ſuch Executions would have been returnable if the ſaid Acts had not paſſed:*

Service of Executions rendred valid, the Alteration of the Times for holding the ſeveral Courts notwithſtanding.

**Be it therefore enacted, by the Governor, Council and Houſe of Repreſentatives,** That the Service of all Executions already made, or which ſhall be made, after the Day on which ſuch Executions would by Law have been returnable, if the Time for holding the Courts to which they are or may be returnable had not been altered by the beforementioned Acts, and before the Day on which they are made returnable by force of the ſaid Acts, ſhall be deemed as valid and effectual to

all

all Intents and Purpoſes whatſoever, as if ſuch Service had been made before the Day on which they would by Law have been returnable, if the ſaid Acts had not been made and paſſed.

*AND WHEREAS divers Writs, Summons, and other Proceſſes have iſſued, or may iſſue, within the ſeveral Counties of the Province after the paſſing of the aforeſaid Acts; and ſuch Writs, Summons, or other Proceſſes may have been, or may be, made returnable to the Court to which by Law they would have been returnable if the aforenamed Acts had not been made and paſſed:* Preamble.

Be it therefore further enacted, That all Writs, Summons and Proceſſes whatſoever, which have iſſued or been commenced, or may iſſue or commence, after the paſſing the aforenamed Acts, which are or may be made, returnable on ſuch Day as by Law they would have been returnable if the ſaid Acts had not paſſed, ſhall ſtill be deemed returnable to the Court to be held on ſuch Day; unleſs the Time of holding ſuch Court be altered by one or other of the ſaid Acts, and in ſuch Caſe ſuch Writs, Summons, or other Proceſs, ſhall be and are hereby declared to be returnable to the Court to be held within and for the ſame County next after, and ſhall to all Intents and Purpoſes be as valid and effectual in Law, as if the ſaid Acts had not been made and paſſed. Writs, Summons, and other Proceſſes eſtabliſhed.

## CHAP. IX.

## An Act for rebuilding the great Bridge over the great River in the Town of *Weſtfield*, in the County of *Hampſhire*, and maintaining the ſame.

*WHEREAS the great Bridge built by the Town of* Weſtfield, *in the County of* Hampſhire, *over the great River there, a little below the Mills commonly called* Weller's *Mills, has by the Violence of the Stream lately been carried away and deſtroyed; and it appearing that a Bridge there is neceſſary, not only for the Inhabitants of the ſaid Town of* Weſtfield, *but alſo for the other Towns in the ſaid County of* Hampſhire; *and whereas the Charge of rebuilding and maintaining the ſaid Bridge would be too great a Burthen on the Inhabitants of the ſaid Town of* Weſtfield, *conſidering how many other Bridges they are obliged to build and maintain in the ſaid Town;* Preamble.

Be it enacted by the Governor, Council, and Houſe of Repreſentatives, That when and ſo often as the ſaid Town of *Weſtfield* ſhall make Application to the Court of General Seſſions of the Peace, in and for the ſaid County of *Hampſhire*, for Aſſiſtance to enable them to build and maintain a Cart Bridge of ſixteen Feet wide acroſs the great River in ſaid Town, at or near the Place where the laſt Bridge ſtood, below the Mills commonly called by the Name of *Weller*'s Mills, the Court of General Seſſions of the Peace aforeſaid be, and hereby are impowered and authorized to tax the Inhabitants of the ſeveral Towns and Diſtricts in the County aforeſaid, or ſo many of them as they ſhall think reaſonable, in ſuch Sum or Sums as the ſaid Court ſhall agree upon from Time to Time, and to be added to each Town's Proportion of the County Tax, and to be paid into and drawn out of the County Treaſury for the Uſes and Purpoſes aforeſaid. The Town of *Weſtfield* to be aſſiſted by the County of *Hampſhire* in building and repairing their great Bridge.

## CHAP. X.

## An Act for erecting a Town in the County of *Worceſter*, by the Name of *Royalſton.*

Preamble. *WHEREAS the Proprietors of the Land lying North of* Athol, *within the County of* Worceſter, *known by the Name of* Royalſhire, *have petitioned this Court, that for the Reaſons mentioned ſaid Land may be incorporated into a Town, and veſted with the Powers and Authority belonging to other Towns, for the Encouragement of ſaid Settlement.*

*Royalſton* made a Town by certain Bounds. **Be it enacted by the Governor, Council and Houſe of Repreſentatives,** That ſaid Tract of Land, bounded and deſcribed as follows, viz. Beginning at a Pillar of Stones on the Province Line the North-weſt Corner, and from thence running South by the Eaſt Line of *Warwick* five Mile and two hundred and ninety-three Rods, to a Pillar of Stones the South-weſt Corner, and from thence running Eaſt with the North Line of *Athol* five Miles and two hundred and ſixty-five Rods to a Red-Oak and Heap of Stones the North-eaſt Corner of *Athol*, and from thence South by the Eaſt Line of *Athol*, one Mile and one hundred and ninety Rods to a Stake and Stones a Corner of *Templeton*, and from thence Eaſt three Degrees South, one Mile and eighty-ſix Rods by ſaid *Templeton*, to the South-weſt Corner, and from thence North twelve Degrees Eaſt, five Miles and eighty Rods on the Weſt Line of *Winchendon*, to a Heap of Stones the North-weſt Corner of ſaid *Winchendon*, and thence Eaſt twelve Degrees South, ſix Miles and ſixty Rods by the North Line of ſaid *Winchendon* to the North-eaſt Corner thereof, and from thence North twelve Degrees Eaſt by the Weſt Line of *Dorcheſter-Canada* two hundred and ninety-five Rods to the Province North Bounds, and from thence by the Province Line fourteen Miles and two hundred and eighty-five Rods to the Corner firſt mentioned, be, and hereby is erected into a Town by the Name of *Royalſton*; and the Inhabitants thereof ſhall have and enjoy all ſuch Immunities and Privileges as other Towns in this Province have and do by Law enjoy.

First Meeting how to be notified. **And be it further enacted,** That *Joſhua Willard*, Eſq; be, and hereby is impowered to iſſue his Warrant to ſome principal Inhabitant of ſaid Town of *Royalſton*, requiring him in His Majeſty's Name to warn and notify the ſaid Inhabitants, qualified to Vote in Town Affairs, to meet together at ſuch Time and Place in ſaid Town as ſhall be appointed in ſaid Warrant, to chooſe ſuch Officers as the Law directs, and may be neceſſary to manage the Affairs of ſaid Town, and the Inhabitants ſo met ſhall be, and are hereby impowered to chooſe Officers accordingly.

Perſons who have agreed to ſettle to be accounted Inhabitants. **And be it further enacted,** That all thoſe Perſons that have already agreed for to ſettle in ſaid Townſhip, and have given Bonds to perform the ſame ſhall be accounted as Part and Parcel of ſaid Inhabitants, and be allowed to vote in their Town Meetings in all Town Affairs as fully as thoſe who actually live upon their Settlements in ſaid Town; and ſhall be accordingly taxed for the Purpoſes aforeſaid.

## CHAP. XI.

An Act for incorporating a new Plantation in the County of *Worcester*, called and known by the Name of *Dorchester-Canada*, into a Town by the Name of *Ashburnham*.

Preamble.

*WHEREAS the Inhabitants of the Plantation called and known by the Name of* Dorchester-Canada, *labour under many Difficulties and Inconveniences by Reason of their not being incorporated; Therefore, for the Removal thereof,*

*Ashburnham* made a Town by certain Bounds.

BE it enacted by the Governor, Council, and House of Representatives, That the Plantation commonly known by the Name of *Dorchester-Canada*, according to the Bounds of the original Grant thereof, made by the General Court the first Day of *June*, 1736, being as follows, *viz.* A Tract of Land of six Miles square, bounding Southerly on the *Narraganset* Township N° 2; Westerly on a Township laid out for *Tilton* and others; Northerly on a Township laid out for *Ipswich*, and Easterly, part on *Townsend* and part on *Lunenbourg*: It begins at a Hemlock the Northeasterly Corner of the said *Narraganset* Town, and runs West eighteen Degrees South, seven Miles wanting twenty Rods; from thence North twelve Degrees East, eight Miles and two hundred Rods, and from thence East twelve Degrees South, seven Miles and one hundred Perch; from thence Southerly by said *Townsend* Line one thousand one hundred and twenty Rods; and by *Lunenbourg* Line, six hundred and twenty Rods, to where it first began: And the Inhabitants of the same Plantation, together with all the Lands and Farms included within the same Boundaries, be, and hereby are incorporated into a Town by the Name of *Ashburnham*; and that the same Town be, and hereby is vested with all the Powers, Privileges, and Immunities that any other of the Towns in this Province do or may by Law exercise and enjoy.

Preamble.

*AND WHEREAS it is agreed between the Inhabitants of the Plantation aforesaid, and the Proprietors of the common and undivided Lands there, that a Tax of Three-half-pence an Acre, be laid upon all the Lands within the same (excepting* Cambridge *Farm, the Lands allotted and reserved for the Ministry, the first Minister there, and the School) for the Space of three Years from the Five-and-twentieth Day of* January, *One thousand seven hundred and sixty-four*, Sixty Pounds *whereof to be annually applied to and for the Payment of the Ministers Salary there, and the Residue toward finishing the Public Meeting-House there, and for repairing the Public Road through the said Plantation, from and after the aforesaid Twenty-fifth Day of* January.

A Tax of *Three-half-pence* an Acre established.

BE it therefore enacted, That there be and hereby is granted a Tax of *Three-half-pence* an Acre, to be annually levied and assessed upon all the Lands in the aforesaid Township (excepting the Lands and Farm before excepted) for the Term aforesaid, for the Uses and Purposes aforesaid; and that the Proprietors aforesaid be thenceforward discharged and free from all further and other Taxes and Expences on Account of those Articles, and every of them, unless by Order of this Court.

The first Meeting how to be notified.

AND BE it further enacted, That *Joseph Wilder*, Esq; be, and he hereby is impowered to issue his Warrant to some one of the principal Inhabitants of the aforesaid new Town, requiring him to warn the Inhabitants thereof to assemble at the aforesaid Meeting-House some Time in the Month of *March* next, to chuse all Town-Officers by Law required for carrying on and managing the Affairs of the said Town, and to assess, levy and collect the Tax aforesaid.

CHAP.

## CHAP. XII.

### An Act for incorporating the ſoutherly Part of *Rutland* and the northerly Part of *Leiceſter* in the County of *Worceſter*, into a Diſtrict by the Name of *Paxton*.

Preamble.

*WHEREAS it has been repreſented to this Court by a Number of the Inhabitants of the Southerly Part of* Rutland, *and the Northerly Part of* Leiceſter, *in the County of* Worceſter, *that they labour under great Difficulties by Reaſon of their Diſtance from the Place of Publick Worſhip in their reſpective Towns, praying to be erected into a ſeperate Diſtrict:*

*Paxton* erected into a Diſtrict by certain Bounds.

**Be it therefore enacted by the Governor, Council, and Houſe of Repreſentatives,** That the Northerly Part of *Leiceſter*, and the Southerly Part of *Rutland*, as hereafter deſcribed, viz. Beginning at the North-eaſt Corner of *Leiceſter*, and from thence running Southerly on *Holden* Line, as by a Right Angle to be two Miles South of *Leiceſter* North Line, then turning and running Weſterly parallel with *Leiceſter* North Bounds until it comes to *Spencer* Line, then turning and running North on *Spencer* Line to the North-weſt Corner of *Leiceſter*, and from thence running into *Rutland*, the ſame Point as far North as the Southerly Line of *Uriah Newton*'s Farm, from thence turning and running Eaſterly on the Southerly Lines of the Farms belonging to *Uriah Newton*, *James Blair*, *David Bent*, *Ebenezer Froſt* and *David Brown*'s Farm, which he purchaſed of *Eliphalet How*, until it comes to *Holden* Line, then running Southerly on ſaid *Holden* Line to the Corner firſt mentioned; alſo ſuch other Lands as lie between the ſeveral Farms aforeſaid, provided they do not extend ſo far North as the Northerly Line of the ſaid Farms, be, and hereby are incorporated into a ſeperate Diſtrict by the Name of *Paxton*; and that the Inhabitants thereof be veſted with all the Powers, Privileges and Immunities, which the Inhabitants of any Town within this Province do, or by Law ought to enjoy; excepting only the Privilege of ſending a Repreſentative to the General Aſſembly: And that the Inhabitants of ſaid Diſtrict ſhall have Liberty from Time to Time to join with the Town of *Leiceſter* and Diſtrict of *Spencer* in the Choice of a Repreſentative or Repreſentatives, which Repreſentatives may be choſen indifferently from ſaid Town or Diſtricts, the Pay or Allowance of ſuch Repreſentatives to be borne by the ſaid Town and Diſtricts, according to their reſpective Proportions of the Province Tax, and that the Town of *Leiceſter* as often as they ſhall call a Meeting for the Choice of Repreſentatives ſhall from Time to Time give ſeaſonable Notice to the Clerk of ſaid Diſtrict of *Paxton*, for the Time being, of the Time and Place for holding ſaid Meeting, to the End that the ſaid Diſtrict may join therein; and the Clerk of ſaid Diſtrict ſhall ſet up in ſome Publick Place in ſaid Diſtrict a Notification thereof accordingly.

To join with *Leiceſter* and *Spencer* in chooſing Repreſentatives.

Proviſo reſpecting Taxes

**Provided nevertheleſs, and be it further enacted,** That the ſaid Diſtrict ſhall pay their Proportion of all ſuch Province, County, and Town Taxes, already granted to be raiſed in the Towns of *Rutland* and *Leiceſter* reſpectively; and ſhall alſo pay their proportionable Part of ſupporting the Poor of the Towns of *Rutland* and *Leiceſter* that are at this Time relieved by ſaid Towns, and pay ſuch Proportion yearly into the Hands of the Town-Treaſurers of ſaid *Rutland* and *Leiceſter* reſpectively.

Provided

Provided that the ſaid Diſtrict of *Paxton* ſhall not be liable to maintain any Perſons within the ſame who have been legally warned out of either of the Towns of *Leiceſter* or *Rutland*; but by Virtue of ſaid Warning ſhall have the ſame Privilege of removing ſuch Perſons as either of the Towns of *Rutland* or *Leiceſter* could have, in caſe they had remained therein. Proviſo reſpecting Perſons who have been warned out of *Leiceſter* or *Rutland*

And be it further enacted, That the Inhabitants of *Rutland* now included in ſaid Diſtrict, ſhall be and hereby are debarred from any Claim or Demand whatever on the ſaid Town of *Rutland* for any Money they have paid towards building and finiſhing the Meeting-Houſe in the ſaid Town, any Vote of the Town of *Rutland* to the contrary notwithſtanding, excepting that ſuch of the Inhabitants of *Rutland* as are now included in ſaid Diſtrict, and are Owners of Pews in ſaid Meeting-Houſe, the ſaid Town of *Rutland* ſhall reimburſe them what they paid for ſaid Pews, and thereupon the ſaid Pews ſhall belong to the ſaid Town of *Rutland*, to be diſpoſed of as they ſhall ſee meet. Proviſion reſpecting the Charge of building *Rutland* Meeting-Houſe.

And be it further enacted, That *John Murray*, Eſq; be, and hereby is impowered to iſſue his Warrant, directed to ſome principal Inhabitant in ſaid Diſtrict, requiring him to warn all the Inhabitants in ſaid Diſtrict qualified to vote in Town-Affairs, to meet at ſuch Time and Place within ſaid Diſtrict, as he ſhall think proper, to chuſe all ſuch Officers as Towns by Law are intituled to chuſe. The firſt Meeting how to be notified.

*BOSTON*; NEW-ENGLAND:
Printed by RICHARD and SAMUEL DRAPER, and GREEN and RUSSELL,
Printers to the GOVERNMENT. 1765.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of *Maſſachuſetts-Bay* in *New-England*: Begun and held at *Boſton*, in the County of *Suffolk*, upon Wedneſday the Twenty-ninth Day of *May*, 1765.

## CHAP. I.

### An Act for erecting a Town in the County of *Lincoln* by the Name of *Briſtol*.

Preamble.

*WHEREAS the Inhabitants of a Tract of Land on the Eaſtern Side of* Damariſcotta *River in the County of* Lincoln, *known by the Name of* Walpole, Herrington *and* Pemaquid, *ſo called, have petitioned this Court that for the Reaſons mentioned, they may be incorporated into a Town, and veſted with the Powers and Privileges belonging to other Towns*: For the Encouragement of ſaid Settlement,

*Briſtol* made a Town by certain Bounds.

*Be it enacted by the Governor, Council, and Houſe of Repreſentatives*, That the ſaid Tract of Land, deſcribed and bounded as follows, viz. Beginning at a Heap of Stones at the Head of *Brown*'s Cove near the great Salt Water Falls in *Damariſcotta* River on the Eaſtern Side of the ſaid River, running a Southeaſterly Courſe to a Heap of Stones at a Place called *Bound* Pond five Miles and a half; from thence to run a Southweſterly Courſe to *Pemaquid* Point as the Shore lies; and from *Pemaquid* Point as the Shore lies up *Damariſcotta* River to the firſt mentioned Bounds. And alſo all the Iſlands lying within Six Miles from the main Land to the South between the aforementioned River *Damariſcotta* and *Pemaquid* Point, be and hereby are erected into a Town by the Name of *Briſtol*. And the Inhabitants thereof ſhall have and enjoy all ſuch Immunities and Privileges as other Towns in this Province have and do by Law enjoy.

Firſt Meeting how to be notified.

*And be it further enacted*, That *Thomas Rice*, Eſq; be, and hereby is impowered to iſſue his Warrant to ſome principal Inhabitant of the ſaid Town of *Briſtol*, requiring him in his Majeſty's Name to warn and notify the ſaid Inhabitants qualified to vote in Town Affairs, to meet together at ſuch Time and Place in ſaid Town as ſhall be appointed in ſaid Warrant, to chuſe ſuch Officers as the Law directs, and may be neceſſary to manage the Affairs of ſaid Town, and the Inhabitants ſo met ſhall be, and hereby are impowered to chuſe ſuch Officers accordingly.

## CHAP. II.

## An Act for incorporating the Second Precinct in the Town of *Stoughton* in the County of *Suffolk* (as it now is) into a Diſtrict by the Name of *Stoughtonham.*

Preamble.

*WHEREAS the Inhabitants of the Second Precinct in* Stoughton *labour under great Difficulties by reaſon of their Diſtance from the Place where the Town Meetings are held in the ſaid Town:*

*Stoughtonham* erected into a Diſtrict by certain Bounds

*Be it therefore enacted by the Governor, Council, and Houſe of Repreſentatives,* That the ſecond Precinct in the Town of *Stoughton,* (by the ſame Bounds and Limits which the ſaid ſecond Precinct now have) be, and hereby are incorporated into a ſeparate Diſtrict by the Name of *Stoughtonham*; and that the Inhabitants thereof be veſted with all the Powers, Privileges and Immunities which the Inhabitants of any Town within this Province do, or by Law ought to enjoy; excepting only the Privilege of ſending a Repreſentative to the General Aſſembly; and that the Inhabitants of ſaid Diſtrict ſhall have Liberty from Time to Time to join with the Town of *Stoughton* in the Choice of a Repreſentative or Repreſentatives, which Repreſentatives may be choſen indifferently from ſaid Town or Diſtrict, the Pay or Allowance of ſuch Repreſentatives to be borne by the ſaid Town and Diſtrict according to their reſpective Proportions of the Province Tax; and that the Town of *Stoughton* as often as they ſhall call a Meeting for the Choice of Repreſentatives, ſhall from Time to Time give ſeaſonable Notice to the Clerk of the ſaid Diſtrict of *Stoughtonham* for the Time being, of the Time and Place for holding ſaid Meeting, to the End that the ſaid Diſtrict may join therein; and the Clerk of ſaid Diſtrict ſhall ſet up in ſome publick Place in ſaid Diſtrict a Notification thereof accordingly.

To join with *Stoughton* in chuſing Repreſentatives.

Proviſo reſpecting Taxes

*Provided nevertheleſs, and be it further enacted,* That the ſaid Diſtrict ſhall pay their Proportion of all ſuch Province, County and Town Taxes, already granted to be raiſed in the Town of *Stoughton,* and ſhall alſo bear their proportionable Part of ſupporting the Poor of the Town of *Stoughton,* that are at this Time relieved by ſaid Town.

Proviſo reſpecting Perſons who have been warned out of *Stoughton.*

*Provided,* that the Diſtrict of *Stoughtonham* ſhall not be liable to maintain any Perſons within the ſame who have been legally warned out of the Town of *Stoughton*; but by virtue of ſaid Warning ſhall have the ſame Privilege of removing ſuch Perſons as the Town of *Stoughton* could have in caſe they had remained therein.

To receive of *Stoughton* the Proportion of certain Incomes for the School.

*And be it further enacted,* That the Town of *Stoughton* ſhall pay to the ſaid Diſtrict of *Stoughtonham* yearly and every Year their proportionable Part of the Income of all the Money that is appropriated to the Uſe of the School in *Stoughton,* and alſo their proportionable Part of ſaid *Stoughton*'s Part of the yearly Profits and Incomes of two Farms that were appropriated by the Town of *Dorcheſter* to the Uſe of the School, one of which is now annexed to the Town of *Dedham* commonly called *White*'s-Farm; the other is now annexed to the Town of *Wrentham* and commonly called *Hewes*'s-Farm: All of which Incomes and Profits the ſaid Diſtrict of *Stoughtonham* ſhall be intitled to and receive of the Town of *Stoughton* yearly and every Year in the ſame Proportion as they now pay their Part of the Province Tax in ſaid Town.

The firſt Meeting how to be notified.

*And be it further enacted,* That *Joſeph Hewins,* Eſq; be, and hereby is impowered to iſſue a Warrant directed to ſome principal Inhabitant in ſaid Diſtrict requiring him to warn all the Inhabitants in ſaid Diſtrict qualified to vote in Town Affairs, to meet at ſuch Time and Place within ſaid Diſtrict, as he ſhall think proper, to chuſe all ſuch Officers as Towns by Law are intitled to chuſe.

CHAP.

## CHAP. III.

## An Act to erect the Plantation called *Weſt-Hooſuck* in the County of *Berkſhire*, into a Town by the Name of *Williamſtown*.

*WHEREAS it has been repreſented to this Court that the erecting the Plantation called* Weſt-Hooſuck *into a Town will greatly contribute to the Growth thereof, and remedy many Inconveniences to which the Inhabitants and Proprietors may be otherwiſe ſubject.* Preamble.

*Be it enacted by the Governor, Council, and Houſe of Repreſentatives*, That the Plantation called *Weſt-Hooſuck*, bounded as follows, viz. North on the Province Line, Weſt and South on unappropriated Lands of this Province, and Eaſt part on *Eaſt-Hooſuck* and partly on unappropriated Lands belonging to this Province, be and hereby is erected into a Town by the Name of *Williamſtown*, and that the Inhabitants thereof be, and hereby are inveſted with all the Powers, Privileges and Immunities which the Inhabitants of the Towns within this Province do enjoy. *Williamſtown* erected into a Town by certain Bounds.

*And be it further enacted*, That all Taxes to be raiſed within ſaid Town for ſettling a Miniſter, building a Meeting-Houſe, clearing and repairing Roads, be levied upon the ſeveral Proprietors of ſaid Plantation according to their Intereſt, until the further Order of this Court; and that ſaid Inhabitants proceed by the ſame Rules in levying and collecting ſaid Taxes as Proprietors in new Plantations are by Law obliged to obſerve. Taxes to be levied on Proprietors for certain Services until further Orders.

*And be it further enacted*, That *William Williams*, Eſq; be, and hereby is impowered to iſſue a Warrant directed to ſome principal Inhabitant in ſaid Town, requiring him to warn the Inhabitants of the ſaid Town, qualified by Law to vote in Town Affairs, to meet at ſuch Time and Place as ſhall be therein ſet forth, to chuſe all ſuch Officers as are or ſhall be required by Law to manage the Affairs of ſaid Town. The firſt Meeting how to be notified.

## CHAP. IV.

## An Act for incorporating into a Town the Lands in the County of *Berkſhire*, called *Yokun* and *Mount-Ephraim*, by the Name of *Richmont*.

*WHEREAS it hath been repreſented to this Court that the erecting the Plantation called* Yokun-Town *and* Mount-Ephraim *into a Townſhip will greatly contribute to the Growth thereof, and remedy many Inconveniencies to which the Inhabitants and Proprietors may otherwiſe be ſubjected:* Preamble.

*Be it therefore enacted by the Governor, Council, and Houſe of Repreſentatives*, That the new Plantation called *Yokun-Town* and *Mount-Ephraim*, lying in the County of *Berkſhire*, bounded as follows, Weſterly on the Province Line, Northerly in part on *Pittsfield* and in part on Province Land, ſo called, Eaſterly on *Houſatunnock* River, and Southerly in part on *Stockbridge* North Line and part on the Miniſters Grant, be, and hereby is incorporated into a Town by the Name of *Richmont*, with all the Powers, Privileges and Immunities that Towns in this Government have and do enjoy. *Richmont* incorporated a Town by certain Bounds.

*And*

Taxes to be levied on Proprietors for certain Services until further Orders.

*And be it further enacted*, That all Taxes to be raiſed within ſaid Town for ſettling a Miniſter, building a Meeting-Houſe or Meeting-Houſes, laying out, making and repairing Roads, be levied upon the ſeveral Proprietors of ſaid Plantation according to their Intereſt, agreeable to an Act of the Province made to enable the Proprietors of ſaid Plantation to raiſe Taxes on ſaid Lands, until the further Order of this Court.

The firſt Meeting how to be notified.

*And be it further enacted*, That *Timothy Woodbridge*, Eſq; be, and hereby is impowered to iſſue a Warrant to ſome principal Inhabitant of ſaid Plantation, requiring him to call a Meeting of ſaid Inhabitants, in order to chuſe ſuch Officers as by Law Towns are impowered to chuſe in the Month of *March* annually.

## CHAP. V.

## An Act for erecting the new Plantation called *Number Four*, in the County of *Berkſhire*, into a Town by the Name of *Becket*.

Preamble.

*WHEREAS it has been repreſented to this Court that the erecting the Plantation called* Number Four *into a Town will greatly contribute to the Growth thereof, and remedy many Inconveniences to which the Inhabitants and Proprietors may be otherwiſe ſubject.*

*Becket* erected into a Town by certain Bounds.

*Be it enacted by the Governor, Council, and Houſe of Repreſentatives*, That the Plantation called *Number Four*, bounded as follows, viz. South partly on equivalent Lands and partly on the Land belonging to *Andrew Belcher*, Eſq; and partly on unappropriated Lands; Eaſt on a Townſhip called *Number Nine*; North on a Townſhip called *Hartwood*; and Weſt partly on *Tyringham*, and partly on unappropriated Lands belonging to this Province, be and hereby is erected into a Town by the Name of *Becket*. And that the Inhabitants thereof be and hereby are inveſted with all the Powers, Privileges, and Immunities which the Inhabitants of the Towns within this Province do enjoy.

The firſt Meeting how to be notified.

*And be it further enacted*, That *William Williams*, Eſq; be, and hereby is impowered to iſſue a Warrant directed to ſome principal Inhabitant in ſaid Town, to notify and warn the Inhabitants in ſaid Town, qualified by Law to vote in Town Affairs to meet at ſuch Time and Place as ſhall be therein ſet forth to chuſe all ſuch Officers as are or ſhall be required by Law to manage the Affairs of ſaid Town.

Taxes to be levied on Proprietors for certain Services until further Orders.

*And be it further enacted*, That all the Taxes that have been heretofore agreed upon by the Proprietors of ſaid Townſhip, and all Taxes to be raiſed within ſaid Town for ſettling a Miniſter, building a Meeting-Houſe, clearing and repairing Roads, be levied upon the ſeveral Proprietors of ſaid Plantation, according to their Intereſt, until the further Order of this Court, and that ſaid Inhabitants proceed by the ſame Rules in levying and collecting ſaid Taxes as Proprietors in new Plantations are by Law obliged to obſerve, any thing in the before recited Act to the contrary notwithſtanding.

CHAP.

## CHAP. VI.

## An Act for erecting the Plantation called *New-Framingham*, in the County of *Berkſhire*, into a Town by the Name of *Laneſborough*.

*WHEREAS it has been repreſented to this Court that the erecting the Plantation called* New-Framingham *into a Town will greatly contribute to the Growth thereof, and remedy many Inconveniences to which the Inhabitants and Proprietors may be otherwiſe ſubject.* Preamble.

*Be it enacted by the Governor, Council, and Houſe of Repreſentatives*, That the Plantation of *New-Framingham*, in the County of *Berkſhire*, bounded as follows, viz. South on *Pittsfield*, Eaſt on *Number Four*, or *Williamſburgh*, North partly on unappropriated Lands of this Province and partly upon Grants; and Weſt on unappropriated Lands of this Province; be and hereby is erected into a Town by the Name of *Laneſborough*, and that the Inhabitants thereof be, and hereby are inveſted with all the Powers, Privileges and Immunities which the Inhabitants of the Towns within this Province do enjoy. *Laneſborough* erected into a Town by certain Bounds.

*And be it further enacted*, That all Taxes to be raiſed within ſaid Town for ſettling a Miniſter, building a Meeting-Houſe, clearing and repairing Roads, be levied upon the ſeveral Proprietors of ſaid Plantation according to their Intereſt, until the further Order of this Court; and that ſaid Inhabitants proceed by the ſame Rules in levying and collecting ſaid Taxes as Proprietors in new Plantations are by Law obliged to obſerve. Taxes to be levied on Proprietors for certain Services until further Orders.

*And be it further enacted*, That *William Williams*, Eſq; be, and hereby is impowered to iſſue a Warrant directed to ſome principal Inhabitant in ſaid Town, requiring him to warn the Inhabitants of the ſaid Town, qualified by Law to vote in Town Affairs, to meet at ſuch Time and Place as ſhall be therein ſet forth, to chuſe all ſuch Officers as are or ſhall be required by Law to manage the Affairs of ſaid Town. The firſt Meeting how to be notified.

## CHAP. VII.

## An Act for erecting the new Plantation called *Charlemont*, in the County of *Hampſhire*, into a Town by the Name of *Charlemont*.

*WHEREAS it has been repreſented to this Court that the erecting the Plantation called* Charlemont *into a Town will greatly contribute to the Growth thereof, and remedy many Inconveniences to which the Inhabitants and Proprietors may be otherwiſe ſubjected.* Preamble.

*Be it enacted by the Governor, Council, and Houſe of Repreſentatives*, That the Plantation called *Charlemont*, bounded as follows, viz. North partly on Land belonging to *Green* and *Walker* and *Boylſton*, and partly on Land ſold to *Cornelius Jones*, Eaſt partly on *Colrain*, and partly on Province Land; South and Weſt on Province Land, more particularly deſcribed in the Plan of the ſaid Townſhip confirmed by the General Court, be and hereby is erected into a Town by the Name of *Charlemont*; and that the Inhabitants thereof ſhall be inveſted with all the Powers, Privileges, and Immunities which the Inhabitants of the Towns within this Province do enjoy. *Charlemont* erected into a Town by certain Bounds.

The first Meeting how to be notified.

*And be it further enacted*, That *Thomas Williams*, Esq; be, and hereby is impowered to issue a Warrant directed to some principal Inhabitant in said Town, to notify and warn the Inhabitants in said Town, qualified by Law to vote in Town Affairs to meet at such Time and Place as shall therein be set forth, to chuse all such Officers as are or shall be required by Law to manage the Affairs of said Town.

Taxes to be levied on Proprietors for certain Services until further Orders.

*And be it further enacted*, That all Taxes that are or may be raised for settling a Minister, for building a Meeting-House, clearing and repairing Roads, be levied upon the several Proprietors of said Plantation, according to their Interest, until the further Order of this Court, and that said Inhabitants and Proprietors of said Town proceed by the same Rules in levying and collecting said Taxes as Proprietors in new Plantations are obliged by Law to observe.

## CHAP. VIII.

## An Act for erecting the new Plantation called *Hunt's-Town*, in the County of *Hampshire*, into a Town by the Name of *Ashfield*.

Preamble.

*WHEREAS it hath been represented to this Court, that the erecting the Plantation called* Hunt's-Town, *into a Town will greatly contribute to the Growth thereof, and remedy many Inconveniences to which the Inhabitants and Proprietors may be otherwise subjected.*

*Ashfield* made a Town by certain Bounds

*Be it enacted by the Governor, Council, and House of Representatives*, That the Plantation aforesaid, bounded as follows, *viz.* East by *Deerfield*; South, partly by *Narraganjet* Township *Number Four*, and partly by Province Land; West, partly by Province Land and partly by *Bernards* and *Mayhews* and *Hatfield* Land; and North, by Province Land; more particularly described in a Plan of said Township Confirmed in the present Session of the General Court, be and hereby is erected into a Town by the Name of *Ashfield*. And that the Inhabitants thereof shall be invested with all the Powers, Privileges and Immunities which the Inhabitants of the Towns within this Province do enjoy.

The first Meeting how to be notified.

*And be it further enacted*, That *Thomas Williams*, Esq; be, and hereby is impowered to issue his Warrant directed to some principal Inhabitant in said Town to notify and warn the Inhabitants in said Town qualified by Law to vote in Town Affairs, to meet at such Time and Place as shall therein be set forth, to chuse all such Officers as are or shall be required by Law to manage the Affairs of said Town.

Taxes to be levied on Proprietors for certain Services until further Orders.

*And be it further enacted*, That all Taxes already raised, for settling a Minister, or that may be raised for his Support, for building a Meeting House, clearing and repairing Roads, be levied on the several Proprietors of said Plantation according to their Interests, until the further Order of this Court, and that said Inhabitants and Proprietors of said Town, proceed by the same Rules in levying and collecting said Taxes as Proprietors in new Plantations are obliged by Law to observe.

## CHAP. IX.

An Act to enable the Proprietors of the Town of *Windham*, in the County of *Cumberland*, to exchange the miniſterial Home-Lot, ſo called, for other Lands in the ſaid Town.

Preamble.

*WHEREAS the miniſterial Home-Lot in the Town of* Windham, *in the County of* Cumberland, *containing twenty Acres, is but ten Poles wide, and a Mile long, and therefore by the great Charge of Fencing rendered unfit for that Uſe.*

*AND whereas the Reverend Mr.* Peter Thacher Smith *is ſeiſed and poſſeſſed of One Hundred Acres of Land, Lot Number Forty-four, in the aforeſaid Town of* Windham, *which has been aſſigned him by the Proprietors as Part of his Settlement.*

*AND whereas the ſaid Proprietors by their Committee,* Nathan Bowen, Jeremiah Lee, *and* Iſaac Mansfield, *Eſquires, on the one Part, and the ſaid* Peter Thacher Smith *on the other, for their mutual Advantage and Benefit, deſire to make an Exchange of the aboveſaid miniſterial Home-Lot, containing twenty Acres, for the like Quantity of twenty Acres out of the aboveſaid Lot Number Forty-four, as it ſhall be laid out by the Parties above-named.*

Proprietors of *Windham* and Rev Mr. *Smith* impowered to exchange a Lot of Land.

*Be it therefore enacted by the Governor, Council, and Houſe of Repreſentatives,* That the Proprietors of the ſaid Town of *Windham*, by their aforeſaid Committee, *Nathan Bowen, Jeremiah Lee* and *Iſaac Mansfield*, be, and hereby are fully authorized and impowered, to bargain, ſell and convey and execute a good and ſufficient Deed of the miniſterial Home Lot aforeſaid, to the ſaid *Peter Thacher Smith*, his Heirs and Aſſigns forever, any Aſſignment of the ſaid Lot to the Uſe of the Miniſtry notwithſtanding; and to take by Deed in Exchange therefor from the ſaid *Peter Thacher Smith*, Twenty Acres, Part of the ſaid Lot Number Forty-four, which twenty Acres of the ſaid Lot Number Forty-four ſhall be, and hereby are declared to be appropriated to the Uſe of the Miniſtry in the ſaid Town of *Windham*, in like Manner as the miniſterial Home Lot, ſo called, would have been, and remained appropriated, if it had not been alienated in Conſequence of this Act.

BOSTON: Printed by *Richard* and *Samuel Draper*, and *Green* and *Ruſſell*, Printers to the Government. 1765.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of *Maſſachuſetts-Bay* in *New England*: Begun and held at *Boſton*, in the County of *Suffolk*, upon Wedneſday the Twenty-ninth Day of *May*, 1765; and continued by Prorogations unto Wedneſday the Tweny-fifth Day of *September*, and then met.

## CHAP. X.

An Act for incorporating a new Plantation in the County of *Hampſhire*, called and known by the Name of *Murrayfield*, into a Town by the Name of *Murrayfield*.

*WHEREAS the Proprietors of the Plantation called and known by the Name of* Murrayfield, *have repreſented to this Court, that the Inhabitants of ſaid Plantation labour under many Difficulties and Inconveniencies by Reaſon of their not being incorporated*: For the Removal whereof, Preamble.

*Be it enacted by the Governor, Council, and Houſe of Repreſentatives*, That ſaid Tract of Land bounded and deſcribed as follows, viz. Bounded Northerly partly on *Cheſterfield*, and partly on a New Townſhip known by the Name of *Number Three*, and runs from the South-weſt Corner of ſaid *Cheſterfield*, to the North-eaſt Corner of *Becket*, thence on the Eaſt Line of *Becket* to the South-eaſt Corner of ſaid *Becket*, and from thence the ſame Courſe to *Blandford* Line, then bounded South partly on ſaid *Blanford* and partly on *Weſtfield*, and Eaſt partly on *Southampton* and partly on *Northampton*, be and hereby is erected into a Town by the Name of *Murrayfield*, and the Inhabitants thereof ſhall have and enjoy all ſuch Privileges and Immunities as other Towns in this Province have and do by Law enjoy. *Murrayfield* made a Town by certain Bounds.

*And be it further enacted*, That *Eldad Taylor*, Eſq; be and hereby is impowered to iſſue his Warrant to ſome principal Inhabitant of ſaid Town of *Murrayfield*, requiring him in his Majeſty's Name to warn and notify the ſaid Inhabitants qualified to Vote in Town Affairs to meet together at ſuch Time and Place in ſaid Town as ſhall be appointed in ſaid Warrant, to chooſe ſuch Officers as the Law directs to be choſen annually in the Month of *March*, and may be neceſſary to manage the Affairs of ſaid Town; and the Inhabitants ſo met ſhall be and are hereby impowered to chooſe Officers accordingly. Firſt Meeting how to be notified.

## CHAP. XI.

### An Act for erecting the Second Pariſh of *Falmouth* in the County of *Cumberland*, into a Diſtrict by the Name of *Cape-Eliſabeth.*

Preamble.

*WHEREAS the Second Pariſh of* Falmouth *in the County of* Cumberland, *labour under many and great Difficulties by Reaſon of their not being erected into a diſtinct and ſeparate Diſtrict:* Wherefore,

*Cape-Eliſabeth* made a Diſtrict by certain Bounds

*Be it enacted by the Governor, Council, and Houſe of Repreſentatives*, That the ſaid Second Pariſh of *Falmouth*, lying and being on the South Side of the Fore River in *Falmouth*, running up ſaid River towards *Stroudwater* River, until it comes within half a Mile of the Mouth or Entrance of ſaid *Stroudwater* River; and thence on a due Weſt-Courſe or Line acroſs to *Scarborough* Line, be, and is hereby incorporated into a Diſtrict by the Name of *Cape-Eliſabeth*; and that the ſaid Diſtrict be, and hereby is inveſted with all the Privileges, Powers and Immunities that Towns in this Province by Law do or may enjoy, that of ſending a Repreſentative to the General Aſſembly only accepted: And that the Inhabitants of ſaid Diſtrict ſhall have Liberty from Time to Time to join with the Town of *Falmouth* in the Choice of a Repreſentative or Repreſentatives, and that the Select-Men of the Town of *Falmouth* give ſeaſonable Notice to the Inhabitants of ſaid Diſtrict of the Time and Place for the Choice of ſuch Repreſentative or Repreſentatives, which Repreſentatives may be choſen indifferently from ſaid Town or Diſtrict.

Firſt Meeting how to be notified.

*And be it further enacted*, That *Samuel Waldo*, Eſq; be, and hereby is directed and impowered to iſſue a Warrant directed to ſome principal Inhabitant within ſaid Diſtrict, requiring him to Warn the Inhabitants of ſaid Diſtrict qualified to vote in Town Affairs, to Aſſemble at ſome ſuitable Time and Place in ſaid Diſtrict, to chuſe ſuch Officers as are neceſſary to manage the Affairs of ſaid Diſtrict.

Proviſo.

*Provided nevertheleſs*, The Inhabitants of ſaid Diſtrict of *Cape-Eliſabeth* ſhall pay their proportionable Part of all ſuch Town, County, and Province Charges as are already aſſeſſed in like Manner as though this Act had not been made.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of *Maſſachuſetts-Bay* in *New-England*: Begun and held at *Boſton*, in the County of *Suffolk*, upon Wedneſday the Twenty-ninth Day of *May*, 1765; and continued by Prorogations unto Wedneſday the fifteenth Day of *January*, 1766, and then met.

## CHAP. XII.

An Act for altering the Time appointed for holding the Court of General Seſſions of the Peace and Inferior Court of Common Pleas, which by Law are now eſtabliſhed to be held at *Charleſtown*, in the County of *Middleſex*, on the firſt Tueſday of *March*.

Preamble.

*WHEREAS it appears inconvenient that the ſaid Court of General Seſſions of the Peace and Inferior Court of Common Pleas, for the ſaid County, ſhould be held on the ſaid firſt Tueſday of* March:

Time of holding Court of Seſſion, &c. at *Charleſtown*.

*Be it therefore enacted by the Governor, Council, and Houſe of Repreſentatives*, That the ſaid Court of General Seſſions of the Peace and Inferior Court of Common Pleas, ſhall be henceforth held on the Third Tueſday of *March* annually; and all Officers and other Perſons concerned, are required to conform themſelves accordingly.

Writs, &c. returnable.

*And be it further enacted*, That all Writs, Suits, Plaints, Proceſſes, Appeals, Reviews, Recognizances, Warrants, or other Matters or Things whatſoever, which now are or at any Time before the ſaid third Tueſday of *March* ſhall be iſſued, taken or depending in the ſaid County of *Middleſex*, which were to have been returned or proceeded on on the ſaid firſt Tueſday of *March*, as by Law appointed, ſhall be good and valid, and ſtand good to all Intents and Purpoſes in the Law, and ſhall be returned and proceeded on, and ſaid Courts ſhall be held on the ſaid Third Tueſday of *March* annually.

## CHAP. XIII.

## An Act for erecting the North Precinct in the Town of *Weſtborough*, in the County of *Worceſter*, into a ſeparate Diſtrict by the Name of *Northborough*.

Preamble.

*WHEREAS the Inhabitants of the North Precinct in* Weſtborough, *in the County of* Worceſter, *labour under many and great Difficulties by Reaſon of their not being a diſtinct and ſeparate Diſtrict* :

THEREFORE,

*Northborough* made a Diſtrict by certain Bounds.

*Be it enacted by the Governor, Council and Houſe of Repreſentatives*, That the North Precinct in *Weſtborough* in the County of *Worceſter*, according to its preſent known Bounds, be and hereby is erected into a Diſtrict by the Name of *Northborough*, and that the ſaid Diſtrict be, and hereby is inveſted with all the Privileges, Powers and Immunities that Towns in this Province by Law do, or may enjoy, that of ſending a Repreſentative to the General Aſſembly excepted ; and that the Inhabitants of the ſaid Diſtrict ſhall have full Power, from Time to Time, to join with the Town of *Weſtborough* in the Choice of a Repreſentative or Repreſentatives ; which Repreſentatives may be choſen indifferently from ſaid Town or Diſtrict ; and that the Seleƈtmen of the Town of *Weſtborough*, as often as they ſhall call a Meeting for the Choice of a Repreſentative, ſhall give ſeaſonable Notice to the Clerk of ſaid Diſtrict for the Time being, of the Time and Place of ſaid Meeting, to the End that the ſaid Diſtrict may join them therein : And the Clerk of ſaid Diſtrict ſhall ſet up in ſome publick Place in the ſaid Diſtrict, a Notification thereof accordingly ; and the Pay and Allowance of ſaid Repreſentative to be borne by ſaid Town and Diſtrict.

To join with *Weſtborough* in the Choice of Repreſentatives.

To pay a Proportion of the Taxes.

*And be it further enacted*, That the ſaid Diſtrict ſhall pay their Proportion of all Town, County, and Province Taxes already ſet on, or granted to be raiſed by ſaid Town, as if this Act had not been made.

To have Right and Share to the miniſterial Lands,

*Provided nevertheleſs*, That the Inhabitants of the ſaid Diſtrict ſhall retain and enjoy the ſame Right and Share to all the miniſterial Lands, and the Improvements and Profits thereof, as they would have had if this Act had not been made.

and a Proportion of Monies Arms Weights &c.

*Provided alſo, and be it further enacted*, That of all the Monies, Arms and Ammunition, Weights and Meaſures, belonging to ſaid Town, the Inhabitants of the ſaid Diſtrict ſhall have and enjoy a Proportion thereof, equal to the Proportion they paid of the Charges of ſaid Town, according to their laſt Town Tax.

Firſt Meeting how to be notified.

*And be it further enacted*, That *Francis Whipple*, Eſq; be, and hereby is impowered to iſſue a Warrant, directed to ſome principal Inhabitant in ſaid Diſtrict, requiring him to warn the Inhabitants of the ſaid Diſtrict, qualified by Law to vote in Town Affairs, to meet at ſuch Time and Place as ſhall be therein ſet forth, to chooſe all ſuch Officers as ſhall be neceſſary to manage the Affairs of ſaid Diſtrict.

## CHAP. XIV.

## An Act for dividing the District of *South-Brimfield*, in the County of *Hampshire*, into two separate Parishes.

*WHEREAS the dividing the District of* South-Brimfield, *in the County of* Hampshire, *into two Parishes, would serve very much to remove many Difficulties and Inconveniences which the Inhabitants of the said District at present labour under :* Preamble.

*Be it therefore enacted by the Governor, Council and House of Representatives*, That the District of *South-Brimfield* aforesaid be divided into two separate Parishes, in Manner following, viz. The dividing Line shall be made by the Road called the South-Meadow Road, beginning at the Colony Line where said Road crosses the said Line, and to extend Northward in said Road to the North Line of said District, or to *Brimfield* South Line (including and taking into the West Division, *Joseph Blodget* and *Joseph Blodget*, Jun'r. and their Home Lots, they living on the East Side of said Road) and that the Lands lying in the said District of *South-Brimfield*, Westward of the above dividing Line, be, and hereby are made a Parish by the Name of the West Parish, in the District of *South-Brimfield* aforesaid ; and that the Inhabitants Westward of the said dividing Line above described, be, and hereby are invested with all the Powers and Privileges, and subjected to all the Duties that Parishes in this Province by Law are invested with, and subjected to : And that the Lands lying in said District of *South Brimfield*, Eastward of the above dividing Line, be and hereby are made a separate Parish by the Name of the East Parish in the District of *South-Brimfield*, and that the Inhabitants of the said Lands Eastward of the said dividing Line above described, be and hereby are invested with all the Powers and Privileges, and subjected to all the Duties that Parishes in this Province by Law are invested with and subjected to. Bounds of West and East Parish in *South Brimfield*.

*And be it further enacted*, That all the Inhabitants of the Lands which by this Act are made the West Parish, be and hereby are, and shall forever hereafter be exempted from paying or contributing any Part toward the Charges that have already arisen, or may hereafter arise by Reason of the Building the new Meeting-House, which has lately been erected on the Lands by this Act made the East Parish in said District, and from the Charge of settling and supporting the Ministry in the said East Parish. West Parish exempted from paying towards building the Meeting House in East Parish.

*And be it further enacted*, That the annual *March* Meetings to be held in said District for the future, shall be alternately held in the said East and West Parishes. annual Meetings to be held alternately.

*And be it further enacted*, That *Daniel Burt*, Esq; be and hereby is impowered to issue Warrants directed to some principal Inhabitant of each Parish, requiring them to warn the Inhabitants of said Parishes qualified to vote in Parish Affairs, to meet at such Time and Place as shall be therein set forth, to choose all such Officers as shall be necessary to manage the Affairs of said Parishes. first Meeting of each Parish how notified.

BOSTON :

Printed by *Richard* and *Samuel Draper*, and *Green* and *Russell*, Printers to the Government. 1766.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of *Maſſachuſetts-Bay* in *New-England*: Begun and held at *Boſton*, in the County of *Suffolk*, upon Wedneſday the Twenty-eighth Day of *May*, 1766.

## CHAP. I.

### An Act in addition to an Act intitled, "An Act for erecting a Town in the County of *Lincoln* by the Name of *Briſtol*."

*BE it enacted by the Governor, Council, and Houſe of Repreſentatives, in General Court aſſembled*, That the Lands contained within the following Bounds, *viz.* Beginning at a Place called *Brown*'s-Cove on the Eaſterly ſide of *Damariſcotta* River at the Head or North-eaſt Part of ſaid Cove at a Stake and Heap of Stones being the Northerly Bounds of the Town of *Briſtol*, thence running Eaſt according to the preſent Direction of the Magnetick Needle being North Six Degrees and Half Weſt, Eleven Hundred and Twenty Poles to a white Birch Tree ſtanding on the Weſterly Bank of *Pemaquid* great Pond, ſo called, thence over ſaid Pond to a dry Birch Tree ſtanding on the Eaſtern Bank of the ſaid Pond, thence running Northerly on the Bank of ſaid Pond until it cometh to the Mouth of the River that runneth out of the upper Pond, ſo called, into the great Pond aforeſaid, thence running Northerly up the ſaid River one Hundred and twenty Poles to a Stake ſtanding near the ſaid River, being *John Martyn*'s Northweſt Corner Bounds, thence running South-eaſt Six Hundred and twenty Poles to a Stake ſtanding on *Jacob Eaton*'s Line, thence running North-eaſt Eighty-four Poles to a Stake ſtanding in a freſh Meadow, thence running South-eaſt Two Hundred and four Poles to the Eaſtern Creek of Broad-Cove, ſo called, on *Muſcongus* River to a Pine Tree marked on four Sides being ſaid *Eaton*'s North-eaſt Corner Bounds (the three laſt mentioned Lines dividing between the Engliſh and Dutch Settlements,) from thence Southerly down the Weſtern Shore on ſaid *Muſcongus* River to round Pond as the Shore lieth, to the Bounds mentioned in the Act for incorporating the ſaid Town of *Briſtol*, and from thence a direct Line to the Bounds firſt mentioned, Be and hereby are annexed to the ſaid Town of *Briſtol*, in the County of *Lincoln*, with all the Inhabitants thereon, who hereby are and ſhall be ſubjected to do Duty and intitled to receive Privilege equal with other Inhabitants of the ſaid Town of *Briſtol*, to all Intents and Purpoſes whatſoever.

Bounds of the Town of *Briſtol* aſcertained.

# An Act of Parliament

Paſſed in the Sixth Year of the Reign of His Majeſty King GEORGE the Third. 1766.

An Act for repealing certain Duties in the *Britiſh* Colonies and Plantations, granted by ſeveral Acts of Parliament; and alſo the Duties impoſed by an Act made in the laſt Seſſion of Parliament upon certain *Eaſt-India* Goods exported from *Great-Britain*; and for granting other Duties inſtead thereof; and for further encouraging, regulating and ſecuring, ſeveral Branches of the Trade of this Kingdom, and the *Britiſh* Dominions in *America*.

Preamble.

WHEREAS the ſeveral Duties herein after mentioned, impoſed by certain Acts of Parliament to be raiſed in the *Britiſh* Colonies and Plantations in *America*, have been attended with great Inconveniencies to the Trade of his Majeſty's Dominions; and it is therefore neceſſary that the ſame ſhould be diſcontinued, and that other Duties ſhould be granted in lieu thereof: We your Majeſty's moſt dutiful and loyal Subjects, the Commons of *Great-Britain* in Parliament aſſembled, do therefore moſt humbly beſeech your Majeſty, that it may be enacted; and be it enacted by the King's moſt excellent Majeſty, by and with the Advice and Conſent of the Lords ſpiritual and temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all the Duties impoſed by any Act or Acts of Parliament upon Melaſſes or Syrups of the Growth, Product, or Manufacture of any foreign *American* Colony or Plantation, imported into any *Britiſh* Colony or Plantation in *America*; and alſo the Duties impoſed by an Act made in the Twenty-fifth Year of the Reign of King *Charles* the Second (for the Encouragement of the *Greenland* and *Eaſtland* Trades, and for the better ſecuring the Plantation Trade) upon Sugar, of the Growth, Production, and Manufacture, of the *Britiſh* Plantations in *America*, which ſhould be laden there; and alſo the Duties impoſed by an Act made in the fourth Year of the Reign of his preſent Majeſty, for granting certain Duties in the *Britiſh* Colonies and Plantations in *America*, and for other Purpoſes in the ſaid Act mentioned, upon Coffee and Pimento, of the Growth

Repeal of certain Duties in *America*, upon Foreign Melaſſes or Syrups; *Britiſh* Sugar; and upon *Britiſh* Coffee & Pimento;

Growth and Produce of any *Britiſh* Colony or Plantation in *America*, which ſhould be ſhipped to be carried out from thence, except to *Great Britain*, ſhall, from and after the firſt Day of *November*, One thouſand ſeven hundred and ſixty ſix, ceaſe, determine, and be no longer paid.

and upon certain *Eaſt India* Goods, Cambricks and *French* Lawns, exported from *Great-Britain*;

And be it further enacted by the Authority aforeſaid, that the ſeveral Duties impoſed by the laſt mentioned Act upon wrought Silks, Bengalls, and Stuffs mixed with Silk or Herba, of the Manufacture of *Perſia*, *China* or *Eaſt India*, and upon Callicoes painted, dyed, printed or ſtained there, and upon foreign Linen Cloth, called *Cambrick*, and upon *French* Lawns, imported into any *Britiſh* Colony or Plantation in *America*, from *Great Britain*, ſhall, from and after the firſt Day of *October*, One thouſand ſeven hundred and ſixty ſix, ceaſe, determine, and be no longer paid.

and upon Coals; and certain *Eaſt-India* Goods, &c.

And be it further enacted by the Authority aforeſaid, that the Duties impoſed by an Act made in the laſt Seſſion of Parliament for granting to his Majeſty certain Duties upon Coals; and of ſeveral *Eaſt India* Goods, and for other Purpoſes in the ſaid Act mentioned, upon all wrought Silks, Bengalls, and Stuffs mixed with Silk or herba, of the Manufacture of *Perſia*, *China*, or *Eaſt India*, and upon Callicoes printed, dyed, painted or ſtained there, which, ſhall be ſhipped for Exportation from *Great Britain* to any Part beyond the Seas, except to *Africa*, or the Britiſh Dominions in *America*, ſhall, from and after the firſt Day of Auguſt, One thouſand ſeven hundred and ſixty ſix, ceaſe, determine, and be no longer paid; and from thenceforth ſo much of the laſt recited Act as directs, that upon the Entry of any *Eaſt-India* Goods herein before mentioned for Exportation to the *Britiſh* Dominions in *America*, the Bond for the due Exportation of ſuch Goods ſhall be with further Condition, that the ſame ſhall be there landed accordingly, and not in any other Port or Place beyond the Seas; and to produce a Certificate within Eighteen Months under the Hands and Seals of the Collector, or other Principal Officer of the Cuſtoms reſiding at the Port or Place in the Britiſh Dominions in *America*, for ſuch of the ſaid Goods as ſhall be landed there, teſtifying the Landing thereof, ſhall be, and the ſame is hereby declared to be repealed.

Duties to ceaſe on 1ſt of *Auguſt*, 1766

Condition of the Bond to be given on Exportation of *Eaſt India* Goods to the *Britiſh American* Dominions.

And be it further enacted by the Authority aforeſaid, that from and after the ſaid firſt Day of *November*, One thouſand ſeven hundred and ſixty ſix, there ſhall be raiſed, levied, collected, and paid, unto his Majeſty, his Heirs and Succeſſors, the ſeveral and reſpective Rates and Duties herein after mentioned: that is to ſay,

And from and after 1ſt *Nov.* 1766, the following Duties are to take Place in lieu of thoſe repealed; *viz.*

On Melaſſes and Syrups,

For every Gallon (Wine Meaſure) of Melaſſes and Syrups, which ſhall be imported or brought (except as is herein after mentioned) into any Colony or Plantation, in *America*, which now is, or hereafter may be, under the Dominion of his Majeſty, his Heirs, and Succeſſors, *One Penny*.

Coffee,

For every Hundred Weight Avoirdupois of Coffee, of the Growth and Produce of any *Britiſh* Colony or Plantation in *America*, which ſhall be imported or brought from thence into any other *Britiſh* Colony or Plantation in *America*, Seven Shillings.

and Pimento.

Exception.

And for every Pound Weight Avoirdupoiſe of ſuch *Britiſh* Pimento, which ſhall, in like manner, be imported or brought into any ſuch *Britiſh* Colony or Plantation, One Halfpenny; except only ſuch *Britiſh* Coffee and Pimento as ſhall be warehouſed under the Regulations and Reſtrictions herein after mentioned; and after thoſe Rates for any greater or leſs Quantity, of ſuch Goods reſpectively.

Provided

Provided always, and it is hereby further enacted by the Authority aforeſaid, That the Duty herein before granted upon Melaſſes or Syrups ſhall not be charged or payable upon any Melaſſes or Syrups imported into any *Britiſh* Colony or Plantation on the Continent of *America* from the Iſland of *Dominica*, for which a Certificate ſhall be produced upon the Importation thereof, to the Collector or other Principal Officer of the Cuſtoms at the Port of Importation, under the Hand and Seal of Office of the Collector, or other Principal Officer of the Cuſtoms at the Port of Exportation in *Dominica*, certifying that the ſaid Duty hath been there paid for ſuch Melaſſes or Syrups; any thing herein before contained to the contrary notwithſtanding.

Certified Melaſſes and Syrups from *Dominica* not chargeable.

And be it further enacted by the Authority aforeſaid, that from and after the Firſt Day of *Auguſt*, One thouſand ſeven hundred and ſixty ſix, there ſhall be alſo raiſed, levied, collected, and paid, unto his Majeſty, his Heirs, and Succeſſors, for and upon all wrought Silks, Bengalls, and Stuffs mixed with Silk or Herba of the Manufacture of *Perſia*, *China* or *Eaſt-India*; and upon all Callicoes printed, dyed, painted, or ſtained there, which ſhall have been publickly ſold in *Great-Britain* on or before the firſt Day of *June*, One thouſand ſeven hundred and ſixty ſix; except for ſuch of the aforeſaid Goods as ſhall be exported to *Africa*, as herein after mentioned; a further and additional Subſidy of twelve Pence for every Twenty Shillings of the true and real Value of ſuch Goods, to be aſcertained by the Oath or Affirmation of the Owner or Proprietor thereof, before the Collector of his Majeſty's Cuſtoms for the Port where ſuch Goods ſhall be warehouſed; provided the ſaid Subſidy ſhall be paid down to ſuch Collector in ready Money, without any Deduction or Allowance whatſoever, on or before the firſt Day of *September*, One thouſand ſeven hundred and ſixty ſix; but if the Owner or Proprietor of ſuch Goods ſhall not chuſe to pay down the ſaid Subſidy for ſuch Goods before that Time, then the ſame ſhall be paid down in ready Money to the Collector of the Cuſtoms for the Port where ſuch Goods ſhall be ſecured, according to the groſs Price or Value of ſuch Goods at which the ſame were ſold at the public legal Sales thereof in this Kingdom, without any Deduction or Allowance whatſoever, before ſuch Goods ſhall be taken out of any Warehouſe wherein the ſame ſhall be ſecured in this Kingdom.

From and after 1ſt *Auguſt*, 1766, an additional Subſidy to be paid for Silk *Eaſt-India* Goods; and upon Callicoes publickly ſold in *Great-Britain* before 1 *June*, 1766; thoſe exported to *Africa* excepted; *viz.* 5*l. per Cent. ad Valorem*, upon the Oath of the Owner, if paid by 1ſt *Sept.* 1766; if otherwiſe, according to the groſs Price thereof at the publick Sales.

Provided always, and it is hereby enacted and declared, That this Act ſhall not extend to charge ſuch of the before mentioned Goods with this Duty, which have been ſold as aforeſaid before the ſaid firſt Day of *June* One thouſand ſeven hundred and ſixty ſix, as ſhall be hereafter exported from this Kingdom to *Africa*.

Duty not to extend to Goods ſold before 1 *June*, 1766, and which ſhall be exported to *Africa*.

And it is hereby further enacted by the Authority aforeſaid, That there ſhall be alſo raiſed, levied, collected and paid, unto his Majeſty, his Heirs and Succeſſors, for and upon all wrought Silks, Bengalls, and Stuffs mixed with Silk or Herba of the Manufacture of *Perſia*, *China*, or *Eaſt-India*, and upon all Callicoes printed, dyed, painted or ſtained there, which ſhall be publickly ſold in *Great-Britain*, after the ſaid firſt Day of *June*, One thouſand ſeven hundred and ſixty ſix, over and above any other Duty now payable for the ſame, the like Sum of Twelve-pence for every Twenty ſhillings of the true and real Value of ſuch Goods, according to the groſs Price at which the ſame ſhall be ſold at the public legal Sales thereof in this Kingdom: which ſaid Subſidy ſhall be paid and ſecured by the United Company of Merchants of *England* trading to the *Eaſt-Indies* for ſuch of the ſaid Goods as ſhall be ſo ſold at the ſaid Company's Sales, in the ſame Manner and Form, and by the ſame Rules and Regulations as the Duties now payable upon unrated *Eaſt India* Goods are paid and ſecured

Additional Duties upon ſuch ſaid Goods ſold at the Company's Sales after 1 *June*, 1766; to be paid by the *India* Company.

purſuant to Act 2 & 3 *Annæ*

ſecured by the ſaid United Company, by Virtue of an Act made in the ſecond and third Years of the Reign of Queen *Anne*, intituled, *An Act for Granting to her Majeſty an additional Subſidy of Tonnage and Poundage for three Years; and for laying a further Duty upon French Wines condemned as lawful Prize; and for aſcertaining the Values of unrated Goods imported from the Eaſt-Indies*: And for ſuch of the ſaid Goods as ſhall, after the ſaid firſt Day of *June*, be ſold at any other publick legal Sale in this Kingdom, the ſaid Subſidy ſhall be paid down in ready Mony to the Collector of the Cuſtoms at the Port where ſuch Goods ſhall be ſold, without any Deduction or Allowance whatſoever by the Purchaſer or Proprietor of ſuch Goods; and the ſaid Subſidy ſhall not be afterwards repaid or drawn back upon the Exportation of the ſame Goods, except to *Africa*, as is herein after mentioned.

Duty at other Sales to be paid by the Proprietor.

Provided always, and it is hereby further enacted by the Authority aforeſaid, That for ſuch of the ſaid Goods herein after mentioned, and no other, which ſhall be ſold as aforeſaid at the Sales of the ſaid United Company, after the ſaid firſt Day of *June*, One thouſand ſeven hundred and ſixty ſix, and ſhall be exported from this Kingdom to *Africa*, the Exporter ſhall be repaid a Drawback or Allowance of the Duty paid in Purſuance of this Act, of Twelve Pence for every Twenty Shillings of the Value of ſuch Goods according to the reſpective Rates and Values herein after expreſſed; that it is to ſay,

Drawback allowed upon Exportation of certain *India* Goods to *Africa*.

Alleijars, the Piece, Twelve Shillings; Bejutapants, the Piece, Twenty Shillings; Byrampants, the Piece, Fifteen Shillings; Blue Long Cloth, the Piece, Forty Shillings; Brawles, the Piece, four Shillings; Callaway Pores, the Piece, Fifteen Shillings; Cuſhtaes, the Piece, Twelve Shillings; Coopes, the Piece, Twelve Shillings; Chints, the Piece Fifteen Shillings; Chelloes, the Piece, Sixteen Shillings; Cotton Romalls, the Piece, Ten Shillings; *Guinea* Stuffs the Price, Four Shillings; Nicamees ſmall, the Piece, Twelve Shillings; Nicamees large, the Piece, Sixteen Shillings; Neganepants, the Piece, Twenty Shillings; Phoraes, the Piece, Fifteen Shillings; Saſtra Cundies, the Piece, Twenty Shillings; Tapſcills, the Piece, Sixteen Shillings.

Enumeration of the ſaid Goods.

And ſuch Goods ſhall, in all other Reſpects, be liable to the ſame Securities, Regulations, Reſtrictions, Penalties and Forfeitures, as the ſame Goods are now liable to by Law.

The ſaid Goods to be ſubject to the uſual Regulations.

And be it further enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of *Auguſt*, One thouſand ſeven hundred and ſixty ſix, there ſhall be alſo raiſed, levied, collected and paid, unto his Majeſty, his Heirs, and Succeſſors, for and upon every Piece of foreign Linen Cloth called *Cambrick*, Three Shillings; and for and upon every Piece of *French* Lawns, Three Shillings; which ſhall be reſpectively ſhipped for Exportation from *Great-Britain* to any Colony or Plantation in *America*, that now is, or hereafter may be, under the Dominion of his Majeſty, his Heirs, and Succeſſors; which ſaid Duties ſhall be alſo paid down in ready Money to the Collector of the Cuſtoms, without any Allowance or Deduction whatſoever, by the Owner or Proprietor of ſuch Goods, before the ſame ſhall be taken out of any Warehouſe or Warehouſes, wherein the ſame ſhall be ſecured in this Kingdom.

Duties upon Cambricks and *French* Lawns exported to *America*.

And it is hereby declared and enacted, That every Piece of Cambrick and *French* Lawns intended to be charged with the Duty herein before mentioned, ſhall contain thirteen Ells each, and ſhall pay Duty for the ſame in that Proportion for any greater or leſs Quantity, according to the Sum herein before charged upon each Piece of ſuch Goods reſpectively.

How the ſaid Duties are to be aſcertained.

And

And it is hereby further enacted by the Authority aforeſaid, That the aforeſaid Rates and Duties charged by this Act upon Melaſſes and Syrups, Coffee and Pimento, imported into any *Britiſh American* Colony or Plantation, ſhall be deemed and taken to be ſterling Money of *Great-Britain*, and be received to the amount of the Value which ſuch nominal Sums bear in *Great-Britain*; and that ſuch Monies may be received and taken according to the Proportion and Value of Five Shillings and ſix Pence the Ounce in Silver: And that the ſaid Rates and Duties ſhall be raiſed, levied, and collected, paid and recovered, in the ſame Manner and Form, and by ſuch Rules, Ways and Means, and under ſuch Penalties and Forfeitures, as any other Duties now payable to his Majeſty upon Goods imported into the ſaid Colonies or Plantations, are or may be raiſed, levied, collected, paid and recovered, by any Act or Acts of Parliament now in force, as fully and effectually, to all Intents and Purpoſes, as if the ſeveral Clauſes, Powers, Directions, Penalties, and Forfeitures, relating thereto, were particularly repeated and again enacted in the Body of this preſent Act: And that all the Monies that ſhall ariſe by the ſaid Duties (except the neceſſary Charges of raiſing, collecting, levying, recovering, anſwering, paying, and accounting for, the ſame) ſhall be paid into the Receipt of his Majeſty's Exchequer, and ſhall be entered ſeperate and apart from all other Monies paid or payable to his Majeſty, his Heirs, or Succeſſors, and ſhall be there reſerved to be from Time to Time diſpoſed of by Parliament, towards defraying the neceſſary Expences of defending, protecting and ſecuring, the *Britiſh* Colonies and Plantations in *America*.

Duties on Melaſſes and Syrups, to be taken as Sterling Money

at 5*s.* 6*d.* *per* Oz. in Silver.

Method of levying and recovering the ſaid Duties.

Duties to be paid into the Exchequer, and reſerved for the future Diſpoſition of Parliament.

And it is hereby further enacted by the Authority aforeſaid, That the Monies ariſing by the ſeveral Rates and Duties by this Act impoſed upon wrought Silks, Bengals, and Stuffs mixed with Silk or Herba, of the Manufacture of *Perſia*, *China*, or *Eaſt-India*, and upon Callicoes printed, dyed, painted, or ſtained there; except the neceſſary Charges of raiſing, collecting, recovering, paying, and accounting for, the ſame; ſhall, from Time to Time, be paid into the Receipt of his Majeſty's Exchequer, diſtinctly and apart from all other Branches of the public Revenue; and ſhall be carried to, and made Part of, the Fund commonly called *the Sinking Fund*, towards making good the Annuities payable in reſpect of certain navy, victualling, and tranſport Bills, charged upon the ſaid Fund by an Act made in the laſt Seſſion of Parliament.

Duties on *Eaſt India* Goods to be paid into the Exchequer

and carried into the *Sinking Fund* towards paying Annuities in reſpect of Navy Bills, &c.

And it is hereby further enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of *Auguſt*, One thouſand ſeven hundred and ſixty ſix, upon the Entry of any Cambricks or *French* Lawns for Exportation to any Place beyond the Seas, except to ſome *Britiſh* Colony or Plantation in *America*, the Bond which is now by Law required to be given for the due Exportation of ſuch Goods ſhall be, with further Condition not to reland the ſame in any Part of the *Britiſh* Dominions in *America*.

Condition of Bonds upon Exportation of Cambricks, or *French* Lawns, to Places beyond Seas other than the *Britiſh* Plantations.

Provided always, and it is hereby enacted and declared by the Authority aforeſaid, That no Duty whatſoever ſhall be paid for any *Britiſh* Coffee or Pimento, which from and after the ſaid Firſt Day of *November*, One thouſand ſeven hundred and ſixty ſix, ſhall be imported or brought into any *Britiſh* Colony or Plantation in *America*; provided the ſame ſhall, upon landing thereof, be immediately depoſited in Warehouſes provided at the ſole Expence of the Importer or Proprietor of ſuch Coffee and Pimento, with the Privity and Approbation, and under the Care and Inſpection, of the Collector and Comptroller, or other Principal Officer of the Cuſtoms, at the Port or Place where ſuch Goods ſhall be

No Duty to be paid for *Britiſh* Coffee, or Pimento, imported after 1 *Nov* 1766, into any *Britiſh American* Colony, provided the ſame be warehouſed,

imported, and ſhall be ſecured under the ſeperate Locks of ſuch Officers, and the Proprietor; and ſhall, within the ſpace of Twelve Calendar Months from the landing and warehouſing the ſame, be ſhipped directly from thence for Exportation, either to *Great Britain*, or to ſome other *Britiſh* Colony or Plantation in *America*, under the like Securities and Reſtrictions as are now required by Law for the ſame.

and ſhipped for Exportation within 12 Months;

And it is hereby further enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of *November*, One thouſand ſeven hundred and ſixty ſix, no Duty whatſoever ſhall be paid for any Foreign Sugars, nor for any Foreign Coffee or Indico, which, from and after the ſaid Firſt Day of *November*, One thouſand ſeven hundred and ſixty ſix, ſhall be imported or brought into any *Britiſh* Colony or Plantation on the Continent of *America*; provided ſuch Goods ſhall, upon landing thereof, be immediately depoſited and ſecured in ſuch Warehouſes, and in the Manner herein before mentioned; and ſhall, within the Space of Twelve Calendar Months from the landing and warehouſing the ſame, be ſhipped from thence for Exportation, as herein after is expreſſed; that is to ſay, Upon Condition that ſuch Sugars ſhall be exported either directly to *Great Britain*, or to ſome other Part of *Europe* to the Southward of *Cape Finiſterre*, under the like Securities, Regulations, and Reſtrictions, Penalties, and Forfeitures, as *Britiſh* Sugars may be ſo carried and exported from any *Britiſh* Colony or Plantation in *America*, by virtue of any Law now in Force; and provided alſo, that ſuch Foreign Indico ſhall be exported to *Great Britain* only under the like Securities, Regulations, and Reſtrictions, Penalties, and Forfeitures, as are particularly mentioned and expreſſed in any Act of Parliament now in Force, with reſpect to Indico of the Growth or Produce of any *Britiſh* Colony or Plantation; and provided that, before ſuch Foreign Coffee ſhall be taken out of ſuch Warehouſe for Exportation, the Exporter ſhall become bound with ſufficient Security in the Penalty of Five Pounds for every Hundred Weight of ſuch Coffee, that the ſame, and every Part thereof, ſhall be really and truly exported, according to the Entry, and not brought back again or relanded in any Part of the *Britiſh* Dominions in *America*; which Bond the Collector and Comptroller, or other Principal Officers of the Cuſtoms at the Port from whence ſuch Foreign Coffee ſhall be intended to be exported, are hereby authorized and required to take, in the Name, and to the Uſe, of His Majeſty, His Heirs, and Succeſſors; and the ſaid Bond, with reſpect to ſuch Coffee as ſhall be exported to *Great Britain*, *Ireland*, or to any other Place under the Dominion of His Majeſty, His Heirs, or Succeſſors, where Cuſtom-houſe Officers are or may be eſtabliſhed, ſhall be with further Condition, to return a Certificate within Eighteen Calendar Months from the Date of ſuch Bond from the Collector and Comptroller, or other Principal Officer of the Cuſtoms, at ſuch Port or Place, that ſuch Coffee has been there landed accordingly; and with reſpect to ſuch Coffee as ſhall be exported to any Place not under the Dominion of His Majeſty, or where no ſuch Officers are appointed, ſuch Bond ſhall continue in Force for Two Years from the Date thereof; and in caſe no Fraud ſhall appear within that Time, it ſhall be lawful for the Commiſſioners of His Majeſty's Cuſtoms in *England*, or any four or more of them, to direct the ſaid Bond to be cancelled and delivered up.

nor for any Foreign Sugars, Coffee, or Indico;

provided the ſame be warehouſed, and ſhipped for Exportation within 12 Months, under the Conditions and Regulations here expreſſed.

Condition of the Bonds to be given in theſe Caſes.

If ſuch warehouſed Goods ſhall not be exported within 12 Months, nor the Duties paid;

And it is hereby further enacted, That if the Importer or Proprietor of any ſuch Goods as ſhall be warehouſed as aforeſaid, ſhall not pay the Duties due for the ſame, nor export ſuch Goods within twelve Calendar Months as aforeſaid, it ſhall be lawful for the Collector and Comptroller, or other Principal Officer of the Cuſtoms, at the Port or Place where

ſuch

ſuch Goods ſhall be ſecured, to cauſe the ſame to be publickly ſold to the beſt Advantage; and the Money ariſing by ſuch Sale ſhall be, in the firſt Place, applied in Diſcharge of the Duties due and payable for ſuch Goods, and the Charges attending the Expence of ſuch Sale; and the Surplus of the Money ſo ariſing by ſuch Sale (if any) after Payment of the ſaid Duties, and Charges, ſhall be paid to the Importer or Proprietor who ſo landed and warehouſed ſuch Goods or to ſuch other Perſon as ſhall be duly authorized to receive the ſame. the Cuſtom-houſe may ſell the ſame; and apply the Monies in diſcharge of the Duties and Charges, &c.

And it is hereby further enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of *November*, One thouſand ſeven hundred and ſixty ſix, it ſhall and may be lawful for any Perſon or Perſons to import any Cotton Wool, or Indico, of Foreign Produce or Manufacture, into any *Britiſh* Iſland in that Part of *America*, commonly called the *Weſt-Indies*, in any Ship or Veſſel that may lawfully trade to and from the ſaid *Britiſh* Iſlands, navigated according to Law, without Payment of any Duty or other Impoſition whatſoever for ſuch Goods; any Law, Cuſtom, or Uſage, to the contrary notwithſtanding. Licence given to import Duty free, Cotton Wool, or Indico, of Foreign Produce into the *Britiſh Weſt Indies* in Ships navigated according to Law.

And it is hereby further enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of *November*, One thouſand ſeven hundred and ſixty ſix, no Duty or other Impoſition whatſoever ſhall be paid, in any *Britiſh* Colony or Plantation in *America*, for any Sort of Cotton Wool exported from thence; any Law, Cuſtom, or Uſage, to the contrary notwithſtanding. No Duty to be paid in *America* on Exportation from thence of any Cotton Wool.

And be it further enacted by the Authority aforeſaid, That from and after the Firſt Day of *July*, One thouſand ſeven hundred and ſixty ſix, it ſhall and may be lawful to and for any Perſon or Perſons to import and bring into *Great-Britain*, in *Britiſh*-built Ships or Veſſels navigated according to Law, from any Port or Place whatſoever, any Sort of Cotton Wool, without paying any Subſidy, Cuſtom, or other Duty, whatſoever, for the ſame; any Law, Cuſtom, or Uſage, to the contrary notwithſtanding. Licence given, from and after 1 *July*, 1766, to import into *Great Britain* in *Britiſh* built Ships, &c. any Cotton Wool Duty-free.

Provided nevertheleſs, and it is hereby further enacted, That a due Entry of ſuch Cotton Wool, and *Indico*, ſhall be made in the reſpective Cuſtom-Houſe belonging to the Port where ſuch Goods ſhall be imported, either in the *Weſt Indies* or *Great-Britain*, in the ſame Manner and Form, and expreſſing the Quantities thereof, as was uſed and practiſed before the making of this Act; and the ſaid Goods ſhall be landed in the Preſence of the proper Officer appointed for that Purpoſe; otherwiſe ſuch Goods ſhall be liable to the Payment of the ſame Duties, as would have been due and payable for the ſame if this Act had not been made. Entry to be made at the Port of Importation of ſuch Cotton Wool and Indico; and the Goods to be landed in Preſence of the Officer; otherwiſe to pay the accuſtomed Duties.

And, in order to promote and encourage the Growth of Coffee and Cocoa Nuts in the *Britiſh* Dominions in *America*, and the Importation of ſuch Goods into *Great-Britain*, to be exported from thence into Foreign Parts; and to eaſe the Merchants and Dealers therein from the Difficulty of paying the full Duties for the ſame when imported for that Purpoſe; be it further enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of *July*, One thouſand ſeven hundred and ſixty ſix, no Duty or Cuſtom ſhall be paid for any Coffee of the Growth or Produce of any *Britiſh* Colony or Plantation in *America*, nor for any Foreign Coffee which ſhall have been warehouſed upon the Continent of *America*, which ſhall be imported directly from ſuch Places reſpectively into *Great-Britain*, in the Manner required by this or any Act now in force, nor for any *Britiſh* or Foreign Cocoa Nuts imported into *Great-Britain*, other than one Half of the Old Subſidy granted by the Act of Tonnage and Poundage, made in the twelfth Year of the Reign of King *Charles* the ſecond, which ſhall be paid down in ready Money, and ſhall not be afterwards drawn No Duty to be paid for any *Britiſh* Coffee; nor for any Foreign Coffee, warehouſed in *America*, imported from thence directly into *Great Britain*; nor for Cocoa Nuts imported, more than half the Old Subſidy;

drawn back or repaid upon the Exportation of the ſame Goods; provided ſuch Coffee and Cocoa Nuts ſhall, immediately upon landing, be ſecured in Warehouſes, purſuant to the Directions of an Act made in the tenth Year of the Reign of King *George* the Firſt, for repealing certain Duties therein mentioned payable upon Coffee, Tea, Cocoa Nuts, Chocolate, and Cocoa-Paſte imported, and for granting certain inland Duties in Lieu thereof, and for other Purpoſes in the ſaid Act mentioned; and ſuch Coffee and Cocoa Nuts ſo warehouſed ſhall, in all other reſpects, be ſubject to the like Duties, Reſtrictions and Regulations, if taken out for Home Conſumption; and to the like Securities, Regulations, and Reſtrictions, if taken out for Exportation, as Coffee and Cocoa Nuts warehouſed in Purſuance of that Act are liable to by any Law now in force.

provided ſuch Coffee and Cocoa Nuts be warehouſed upon landing, and be ſubject, on being taken out, to the Duties and Regulations eſtabliſhed by Act 10 *Geo.* I.

And it is hereby further enacted by the Authority aforeſaid, That from and after the Firſt Day of *January*, One thouſand ſeven hundred and ſixty ſeven, all Sugars which ſhall be imported into *Great-Britain*, from any Part of the *Britiſh* Colonies or Plantations on the Continent of *America*, ſhall be deemed and taken to be *French* Sugars; and the Importer or Proprietor ſhall, upon the Importation thereof, pay down in ready Money, to the Collector of his Majeſty's Cuſtoms, only Three Pence per Hundred Weight Averdupoiſe for ſuch Sugars, which ſhall not be afterwards drawn back or repaid upon the Exportation of the ſame Goods; provided ſuch Sugars ſhall upon landing, be immediately lodged and ſecured under the King's Locks in Warehouſes provided at the ſole Expence of the Importer or Proprietor of ſuch Goods, with the Privity and Approbation, and under the Care and Inſpection, of the Commiſſioners or Principal Officers of the Cuſtoms for the Port where ſuch Goods ſhall be imported; and ſhall not be delivered out of any ſuch Warehouſe but upon the following Conditions; that is to ſay, if ſuch Sugars, or any Part thereof, ſhall be delivered for Exportation to Foreign Parts, the Owner or Exporter thereof, together with one other ſufficient Perſon, ſhall enter into Bond to his Majeſty, his Heirs, and Succeſſors, in treble the Amount of the full Duties which would be due and payable for ſuch Sugars if the ſame were conſumed in this Kingdom, with Condition that no Part of ſuch Sugar ſhall be relanded in *Great-Britain* or *Ireland*, or any of the Dominions belonging to the Crown of *Great-Britain*; which Bonds ſhall be diſcharged in the ſame Manner as the Bonds given for the due Exportation of prohibited *Eaſt-India* Goods are diſcharged by any Law now in force.

From and after 1 *Jan.* 1767, Sugars imported from the *Britiſh* Colonies in *America* are to be conſidered as *French*, and to pay a Duty of 3*d. per* Cwt. and to be warehouſed upon landing; and not delivered out for Exportation but upon certain Conditions.

And, the better to prevent the relanding ſuch Sugars, be it further enacted by the Authority aforeſaid, That if any ſuch Goods ſhall be relanded, or unſhipped to be relanded, contrary to this Act, the ſame, together with the Boats, Lighters, or any other Veſſels, Horſes, Carts, or other Cattle or Carriages, which may be employed or made uſe of in the removal, carriage, or conveyance, of ſuch Goods, as alſo the Ship or Veſſel from which ſuch Sugar ſhall be unloaded, together with her Furniture and Apparel, ſhall be forfeited, and ſhall and may be ſeized by any Officer or Officers of the Cuſtoms; and all and every Perſon or Perſons who ſhall be aſſiſting, or otherwiſe concerned in the unſhipping or relanding ſuch Goods, or to whoſe Hands the ſame ſhall knowingly come after the unſhipping thereof, ſhall forfeit Treble the Value of ſuch Goods; which ſaid Penalties and Forfeitures ſhall and may be proſecuted, ſued for, recovered, and divided, in ſuch Manner and Form, and by ſuch Rules and Regulations; as Penalties and Forfeitures inflicted for unſhipping prohibited or uncuſtomed Goods in this Kingdom may be proſecuted, ſued for, recovered, and divided, by any Law now in force.

If any ſuch Sugars ſhall be relanded, or unſhipped to be relanded, contrary to this Act, they are liable to Forfeiture, together with Veſſel, Horſes and Carriages; and the Perſons aſſiſting, &c. forfeit alſo Treble Value.

Provided

Provided always, and it is hereby further enacted by the Authority aforeſaid, That no ſuch Sugars ſhall be ſhipped, or permitted to be ſhipped or loaden for Re-exportation from *Great-Britain*, on board any Ship or Veſſel of leſs Burthen than Seventy Tons, to be aſcertained by the ſame Rules and Dimenſions as the Tonnage of Ships importing Brandy and other Spirits into this Kingdom is to be aſcertained, by an Act made in the Sixth Year of the Reign of King *George* the Firſt, for preventing Frauds and Abuſes in the Public Revenues of Exciſe, Cuſtoms, Stamp-Duties, Poſt-Office, and Houſe-Money.

Veſſels, in which ſuch Sugars ſhall be loaded for Exportation, not to be under 70 Tons.

And it is hereby further enacted by the Authority aforeſaid, That if any ſuch Sugars ſhall be taken out of any Warehouſe, wherein the ſame ſhall be ſecured as aforeſaid, in order to be uſed in this Kingdom; the Perſon or Perſons ſo taking out the ſame, ſhall firſt pay up the Remainder of the Duties which would have been due and payable upon the Importation of *French* Sugars into this Kingdom; and they ſhall, in all other Reſpects, be liable to the ſame Reſtrictions and Regulations, as *French* Sugars would have been ſubject and liable to, if this Act had not been made.

Sugars taken out for Home Conſumption are to pay the full Duties, &c.

Provided always, and it is hereby further enacted, That if ſuch Sugars ſhall not be either exported, or the full Duties paid for the ſame, within Twelve Calendar Months from the Importation thereof, but ſhall then continue and be ſtill remaining in the ſaid Warehouſes; in ſuch Caſe, it ſhall and may be lawful for the Commiſſioners of the Cuſtoms for the Time being, or any three or more of them, to cauſe the ſaid Goods ſo remaining to be publickly ſold, by Auction or Inch of Candle to the beſt Bidder; and the Money ariſing by ſuch Sale to be applied firſt in Diſcharge of the ſaid Duties and the Expences of ſuch Sales, and the Overplus (if any) to be paid to the Importer or Proprietor of ſuch Goods, or other Perſons authorized to receive the ſame.

If the Sugars ſhall remain warehouſed without being exported, nor the full Duties paid within 12 Months, the Cuſtom-houſe may make Sale thereof, and apply the Monies in Diſcharge of the Duties and Charges.

And be it further enacted by the Authority aforeſaid, That the Monies ariſing by the ſaid Duties by this Act impoſed upon Cambricks and *French* Lawns; and alſo by ſuch Part of the Duties hereby alſo impoſed upon Sugars imported from any *Britiſh* Colony or Plantation on the Continent of *America*, as ſhall exceed the Duties now payable upon Sugars ſo imported (except the neceſſary Charges of raiſing, collecting, recovering, paying and accounting for the ſame) ſhall be, from Time to Time paid into the Receipt of his Majeſty's Exchequer diſtinctly and apart from all other Branches of the public Revenue, and be reſerved in the ſaid Receipt for the Diſpoſition of Parliament.

The Duties upon Cambricks and *French* Lawns and the additional Duties upon Sugars, to be paid into the Exchequer diſtinct from all other Duties; and reſerved for the Diſpoſition of Parliament.

And whereas by the herein before recited Act, made in the fourth Year of the Reign of his preſent Majeſty, it is, amongſt other Things, enacted, That before any Melaſſes or Syrups ſhall be laden on Board any Ship or Veſſel in any of the *Britiſh* Colonies or Plantations in *America*, as of the Growth or Product thereof, Proof ſhall be made where ſuch Melaſſes or Syrups grew or were produced and manufactured in the Manner directed by the ſaid Act: And whereas by the ſaid recited Act, and by another Act made in the laſt Seſſion of Parliament, for more effectually ſecuring and encouraging the Trade of his Majeſty's *American* Dominions, and for other Purpoſes in the ſaid Act mentioned, it is, amongſt other Things, enacted, That for every Ship or Veſſel that ſhall ſet ſail from any of the ſaid *Britiſh* Colonies or Plantations in *America*, Bond and Security ſhall be given, with Condition, that in Caſe any foreign Melaſſes or Syrups ſhall be laden on board ſuch Ship or Veſſel, the ſame ſhall be brought to ſome of his Majeſty's Colonies or Plantations in *America* or to *Great-Britain*, under the Penalties and Forfeitures in the ſaid Acts expreſſed: and whereas

Clauſes in Act 4 *Geo.* III. and 5 *Geo.* III. From and after 1 *Nov.* 1766 ſo much of the recited Acts as relate to any Proof or Certificate reſpecting *Britiſh* Melaſſes, or Syrups,

or Bond with reſpect to Foreign Melaſſes and Syrups, is repealed.

whereas the Duty upon Foreign Melaſſes or Syrups imported into the *Britiſh* Colonies in *America* are now reduced; and all Melaſſes and Syrups, *Britiſh* as well as Foreign, are made ſubject to the ſame Duty; be it therefore enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of *November*, One thouſand ſeven hundred and ſixty-ſix, ſo much of the ſaid recited Acts as relate to any Proof or Certificate with reſpect to the Growth, Produce, or Manufacture, of *Britiſh* Melaſſes or Syrups, or any Bond to be entered into with reſpect to Foreign Melaſſes or Syrups, ſhall be, and the ſame is hereby declared to be, repealed.

Clauſe in Act 12 *Car.* II. From and after 1 *Jan.* 1767, Bond and Security to be given at the Ports in *America*, for all non-enumerated Goods laden on board any Veſſel.

And whereas by an Act made in the Twelfth Year of the Reign of King *Charles* the Second, intituled, *An Act for encouraging and encreaſing of Shipping and Navigation*, and ſeveral ſubſequent Acts of Parliament which are now in force, it is, amongſt other Things, enacted, That for every Ship or Veſſel which ſhall load any Commodities, in thoſe Acts particularly enumerated, at any *Britiſh* Plantation, being the Growth, Product or Manufacture thereof, Bonds ſhall be given, with one Surety, to the value of One Thouſand Pounds if the Ship be of leſs Burthen than One Hundred Tons, and of the Sum of Two Thouſand Pounds if the Ship be of greater Burthen, that the ſame Commodities ſhall be brought by ſuch Ship or Veſſel to ſome other *Britiſh* Plantation, or to ſome Port in *Great-Britain*: Now, in order more effectually to prevent ſuch Goods being privately carried from any *Britiſh* Colony or Plantation in *America* into Foreign Parts of *Europe* in Veſſels that clear out with non-enumerated Goods, as well as to prevent the clandeſtine Importation of Foreign *European* Goods into the ſaid *Britiſh* Colonies; Be it further enacted by the Authority aforeſaid, That from and after the Firſt Day of *January*, One thouſand ſeven hundred and ſixty ſeven, Bond and Security, in the like Penalty, ſhall alſo be given to the Collector, or other Principal Officer of the Cuſtoms, at any Port or Place in any of the *Britiſh American* Colonies or Plantations, with one Surety beſides the Maſter of every Ship or Veſſel that ſhall lade or take on board there any Goods not particularly enumerated in the ſaid Acts, with Condition, that ſuch Goods ſhall not be landed at any Part of *Europe* to the Northward of *Cape-Finiſterre*, except in *Great-Britain*; which Bond ſhall be diſcharged in the Manner hereafter mentioned; That is to ſay, for ſuch of the ſaid Goods as ſhall be entered for, or landed in *Great-Britain*, the Condition of the Bond ſhall be, to bring a Certificate in Diſcharge thereof, within Eighteen Months from the Date of ſuch Bond, and within Six Months for ſuch of the ſaid Goods as ſhall be entered for or landed in, any of the *Britiſh* Colonies or Plantations in *America*; which reſpective Certificates ſhall be under the Hands and Seals of the Collector and Comptroller, or other Principal Officer of the Cuſtoms, reſident at the Port or Place where ſuch Goods ſhall be landed, teſtifying the Landing thereof; and for ſuch of the ſaid Goods as ſhall be entered for, or landed at, any other Place where the ſame may be legally landed, to bring the like Certificate within Twelve Months under the Common Seal of the Chief Magiſtrate, or under the Hands and Seals of two known *Britiſh* Merchants reſiding there, or ſuch Bond or Bonds ſhall be diſcharged, in either of the ſaid Caſes, by Proof upon Oath made by credible Perſons, that the ſaid Goods were taken by Enemies, or periſhed in the Seas: And if any ſuch non-enumerated Goods ſhall be laden on board any ſuch Ship or Veſſel in any *Britiſh* Colony or Plantation in *America* before ſuch Bond ſhall be given, the Goods ſo laden, together with the Ship or Veſſel, and her Furniture, ſhall be forfeited, and ſhall and may be ſeized by any Officer of the Cuſtoms, and proſecuted in ſuch Manner as any other Forfeiture againſt the Laws of the Revenue may be proſecuted.

Condition of the Bond.

If any ſuch Goods ſhall be laden on board before Bond given, they are forfeited, with the Veſſel.

Provided

Provided always, and it is hereby declared and enacted by the Authority aforeſaid, That nothing herein before contained ſhall extend, or be conſtrued to extend, to Veſſels which ſhall be *bona fide* bound to ſome of the Ports of *Spain* within the Bay of *Biſcay*. Limitation of this Act with reſpect to Veſſels bound to ſome of the Ports of *Spain* within the Bay of *Biſcay*.

And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced, either in *Great-Britain* or *America*, againſt any Perſon or Perſons for any Thing done in purſuance of this or any other Act of Parliament relating to his Majeſty's Cuſtoms, the Defendant or Defendants in ſuch Action or Suit may plead the General Iſſue, and give the ſaid Acts, and the ſpecial Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done in Purſuance, and by the Authority, of ſuch Act: And if it ſhall appear ſo to have been done, the Jury ſhall find for the Defendant or Defendants; and if the Plaintiff ſhall be nonſuited, or diſcontinue his Action after the Defendant or Defendants ſhall have appeared; or if Judgment ſhall be given, upon any Verdict or Demurrer, againſt the Plaintiff; the Defendant or Defendants ſhall recover Treble Coſts, and have the like Remedy for the ſame as Defendants have in other Caſes by Law. General Iſſue. Treble Coſts.

# An Act of Parliament,

Paſſed in the Sixth Year of the Reign of His Majeſty King GEORGE the Third. 1766.

An Act for indemnifying Perſons who have incurred certain Penalties inflicted by an Act of the laſt Seſſion of Parliament, for granting certain Stamp Duties in the *Britiſh* Colonies and Plantations in *America*; and for making valid all Inſtruments executed or inrolled there on unſtamped Paper, Vellum, or Parchment.

WHEREAS by an Act made in the laſt Seſſion of Parliament, intitled, *An Act for granting and applying certain Stamp Duties, and other Duties, in the* Britiſh *Colonies and Plantations in* America, *towards further defraying the Expences of defending, protecting, and ſecuring, the ſame; and for amending ſuch Parts of the ſeveral Acts of Parliament relating to the Trade and Revenues of the ſaid Colonies and Plantations, as direct the Manner of determining and recovering the Penalties and Forfeitures therein mentioned*; certain Stamp Duties were granted throughout the Colonies and Plantations in *America*, which then were, or thereafter might be, under the Dominion of His Majeſty, His Heirs, and Succeſſors; which ſaid Stamp Duties were to take Place from and after the Firſt Day of *November*, One thouſand ſeven hundred and ſixty five: And whereas by another Act made in this preſent Seſſion of Parliament, intituled, *An Act to repeal an Act made in the laſt Seſſion of Parliament, intituled, An Act for granting and applying certain Stamp Duties, and other Duties, in the* Britiſh *Colonies and Plantations in* America, *towards further defraying the Expences of defending, protecting, and* Preamble, reciting Clauſes in Act 5 *Geo.* III. and 6 *Geo.* III.

*and ſecuring, the ſame; and for amending ſuch Parts of the ſeveral Acts of Parliament relating to the Trade and Revenues of the ſaid Colonies and Plantations, as direct the Manner of determining and recovering the Penalties and Forfeitures therein mentioned*; the ſaid firſt mentioned Act was repealed, from and after the Firſt Day of *June*, One thouſand ſeven hundred and ſixty-ſix: And whereas it may have happened, ſince the paſſing of the ſaid firſt mentioned Act, that Perſons reſiding in, or reſorting to, the ſaid Colonies or Plantations, may not have been able to procure Paper, Vellum, or Parchment, duly ſtamped, as required by the ſaid Act; and that ſuch Perſons, for want of the ſame, and other Perſons reſiding elſewhere by reaſon thereof, may have committed many Offences, contrary to the Directions, and true Intent and Meaning of the ſaid Act; or may have neglected to do what by the ſaid Act is required; whereby ſuch Perſons have incurred ſeveral Penalties and Forfeitures by the ſaid Act inflicted: Therefore, for quieting the Minds of His Majeſty's Subjects, and for preventing any Inconveniencies that might otherwiſe happen; be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all and every Perſon and Perſons whatſoever, who have committed any Offence or Offences (not being Felony) contrary to the Directions, and true Intent and Meaning, of the ſaid Act, or have neglected to do any Matter or Thing required by the ſaid Act, ſhall be, and he, ſhe, and they, is and are indemnified from all Penalties and Forfeitures which he, ſhe, or they, may have incurred for ſuch Offence or Offences, (not being Felony) Neglect or Neglects, where final Judgment ſhall not have been given.

Indemnification granted for all Offences and Neglects againſt the recited Act of 5 *Geo.* III. not being Felony;

where final Judgment ſhall not have been given.

And whereas it was, by the ſaid firſt mentioned Act, enacted, That no Matter or Thing whatſoever, by the ſaid Act charged with the Payment of a Duty, ſhould be pleaded or given in Evidence, or admitted, within the ſaid Colonies and Plantations, to be good, uſeful, or available, in Law or Equity, unleſs the ſame ſhould be marked or ſtamped, in purſuance of the ſaid Act, with the reſpective Duty thereby charged, or with an higher Duty: And whereas it may have happened that many Deeds, Inſtruments, and other Matters and Things, by reaſon that ſtamped Paper, Vellum, or Parchment, was not to be procured, may have been ſigned, ſealed, or otherwiſe executed, entered, or inrolled, in the ſaid Colonies and Plantations, upon unſtamped Paper, Vellum, or Parchment, and, by Reaſon thereof, cannot be pleaded or given in Evidence, or admitted to be good, uſeful, or available, in Law or Equity: And whereas by the ſaid Act being repealed, there remains no Proviſion for making the ſaid Deeds, Inſtruments, Matters, and Things, pleadable, or to be given in Evidence, or admiſſible as good, uſeful, or available, in Law or Equity, which may be attended with many Inconveniencies; be it therefore enacted by the Authority aforeſaid, That all and every Deed, Inſtrument, or other Matter or Thing, ſigned, ſealed, or otherways executed, entered, or inrolled, in the ſaid Colonies and Plantations, during the Continuance of the ſaid Act, upon unſtamped Paper, Vellum, or Parchment, ſhall and may, from and after the paſſing of this Act, be admitted and allowed in Evidence in any Court whatſoever; and ſhall be as valid and effectual as if the proper Stamps had been impreſſed thereon at the Time of the Signing, Sealing, or other Execution, or Entry or Inrollment thereof; any Thing in the ſaid Act to the contrary notwithſtanding.

All Deeds and Inſtruments, &c. executed, entered, or inrolled, in the ſaid Colonies, during the Continuance of the recited Act, upon unſtamped Paper &c. are declared to be valid and effectual.

BOSTON:
Printed by RICHARD and SAMUEL DRAPER, and GREEN and RUSSELL, Printers to the Government. 1766.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay*, in *New-England* : Begun and held at *Boſton*, upon Wedneſday the twenty-eighth Day of *May* 1766 ; and from thence continued by ſeveral Prorogations to Wedneſday the twenty-ninth Day of *October* following, and then met.

## CHAP. II.

An Act for granting Compenſation to the Sufferers, and of free and general Pardon, Indemnity and Oblivion to the Offenders in the late Times.

*WHEREAS the King's moſt excellent Majeſty taking into his gracious and ſerious Conſideration the Troubles, Diſcords, Tumults and Riots, which have lately happened in* America, *and that divers of his Subjects have thereby greatly ſuffered in their Property, and others have fallen into, and are obnoxious to great Pains and Penalties : Out of a hearty and pious Deſire that ſuch Sufferers be compenſated, and to put an end to all Suits, Controverſies and Proſecutions that by occaſion of the late Diſtractions have ariſen, or may ariſe between any of his Majeſty's Subjects ; and to the intent that a Veil be drawn over the late unhappy Exceſſes, has been graciouſly pleaſed to ſignify his deſire to forgive and forget them ; at the ſame Time of his abundant Clemency recommending a Compenſation to the Sufferers in their Property, with ſuch a Conduct in general as ſhall be, at this great Criſis, the beſt Means of fixing the mutual Intereſt, and Inclination of* Great-Britain *and her Colonies, on the moſt firm and ſolid Foundation:* Preamble.

*From a grateful Senſe of his Majeſty's Grace and Clemency ; in order to promote internal Peace and ſafety ; to make Compenſation to ſaid Sufferers, and as a Means, ſo far as it is in our Power, of demonſtrating to all the World our Senſe of the Happineſs we enjoy in being a Part of the Britiſh Empire, and being intitled to the Rights, Liberties and Privileges of Britiſh Subjects ; We his Majeſty's moſt dutiful and loyal Subjects the Repreſentatives of the Commons of this Province, in the Great and General Court aſſembled, of our free and good Will have reſolved to give and grant, and pray that it be enacted :*

*And be it accordingly enacted by the* Governor, Council *and Houſe of* Repreſentatives, That there be granted and paid out of the public Treaſury of this Province to the Honorable *Thomas Hutchinſon*, Eſq; the Sum of *Three Thouſand, one Hundred and Ninety-four Pounds, ſeventeen Shillings and ſix Pence*, in full Compenſation for the Loſſes and Sufferings that he and the ſeveral Perſons in his Family ſuſtained in the late Times of Confuſion.

Compenſation to the ſeveral Sufferers.

To the Honorable *Andrew Oliver*, Eſq; the Sum of *One Hundred and ſeventy two Pounds, four Shillings.*

To *Benjamin Hallowell*, jun. Eſq; the Sum of *three Hundred and eighty-five Pounds, ſix Shillings and ten Pence.*

To *William Story*, Eſq; the Sum of *ſixty-ſeven Pounds eight Shillings and ten Pence*, in full Compenſation for their Loſſes and Sufferings in the late Times of Confuſion.

*And be it further enacted*, That all Riots, Routs and unlawful Aſſemblies, councelled, commanded, acted, done or made within this Province, between the firſt Day of *Auguſt*, One Thouſand ſeven Hundred and ſixty-five, and the firſt Day of *May*, One Thouſand ſeven Hundred and ſixty ſix; and all Burglaries, Felonies, Reſcues and Breaches of the Peace whatſoever, committed in, by, or during ſuch Riots, Routs, and unlawful Aſſemblies &c, and hereby are pardoned, releaſed, indemnified, diſcharged and put in utter Oblivion; and that all and every the Perſon or Perſons acting, adviſing, aſſiſting, abetting and counſelling the ſame, be and are hereby pardoned, releaſed, acquitted, indemnified and diſcharged from the ſame; and of and from all Pains of Death, and other Pains, Judgments, Indictments, Convictions, Penalties and Forfeitures therefor, had or given, or that might accrue for the ſame; and that ſuch Indictments, Convictions and Forfeitures, are hereby declared null and void.

Indemnification to the Offenders.

*And be it further enacted*, That any Perſon indicted or preſented, or in any Manner proſecured, or that ſhall or may be hereafter indicted, preſented, or in any Manner proſecuted, for any of the Offences by this Act pardoned, may plead the general Iſſue, and give this Act in Evidence, which ſhall be ſufficient to acquit him.

This Act may be given in Evidence in caſe of Proſecution

*Provided*, That nothing in this Act contained, ſhall extend to the pardoning, or give any Benefit whatever to any Perſon who is, or may be unlawfully poſſeſſed of any Goods or Chatrles taken or ſtolen from any Perſon, unleſs the Poſſeſſor ſhall within thirty Days after the Publication of this Act, have ſurrendered and delivered them up to the Province Treaſurer for the uſe of the Province.

Proviſo.

*Provided alſo*, That nothing in this Act ſhall extend to the barring any civil Action of Treſpaſs for Damages ſuſtained by any Perſon, not by this Act compenſated, nor to the pardoning any of the Crimes or Offences abovenamed, wherein any Burglaries, Arſons or Thefts were committed againſt the Properties of any Perſons not compenſated by this Act.

Ditto.

CHAP.

## CHAP. III.

An Act to erect the South Part of the Firſt Precinct in the Town of *Mendon*, in the County of *Worceſter*, into a ſeparate Precinct.

Preamble.

*WHEREAS the erecting the South Part of the Firſt Precinct in the Town of* Mendon, *in the County of* Worceſter, *into a ſeparate Precinct, would ſerve to remove many Difficulties and Inconveniences which the Inhabitants labour under :*

Bounds of *Mendon*, South Precinct.

*Be it therefore enacted by the Governor, Council and Houſe of Repreſentatives*, That the ſaid Inhabitants with their Lands, containing one half the Lands in ſaid firſt Precinct, bounded as follows, *viz.* beginning at the South-Weſt Corner of *Mendon*, running North on *Uxbridge* Line three Miles, one hundred and twenty-eight Rods to a Heap of Stones on Captain *Daniel Taft*'s Farm, then turning and running Eaſt eight Degrees South to a Heap of Stones by the Road leading from *Thomas Taft*'s to *John Boyce*'s, continuing the ſame Point to a Heap of Stones by the Road leading from *Dam Swamp* to Enſign *Benjamin Darling*'s, continuing the ſame Point to a Heap of Stones on the Eaſt Side of the Road called *Rehoboth* Road, South of *Darius Daniel*'s Orchard, continuing the ſame Point to a Pitch Pine Tree at or near *Bellingham* Line ; together with the Farm belonging to the Heirs of Capt. *Daniel Tafts*, deceaſed, and *Joſeph Day*'s Farm, both lying on the North Side of ſaid Line, be, and hereby are erected into a Precinct by the Name of the South Precinct, and that the Inhabitants of the ſaid South Precinct, be, and hereby are inveſted with all the Powers and Privileges, and ſubjected to all the Duties, that Precincts in this Province by Law are inveſted with and ſubjected to.

*Be it further enacted*, That *Nathan Tyler*, Eſquire, be, and hereby is impowered to iſſue his Warrant, directed to ſome principal Inhabitant, within ſaid Precinct, requiring him to warn the Inhabitants of ſaid Precinct, qualified to vote in Precinct Affairs, to aſſemble at ſome ſuitable Time and Place in ſaid Precinct, to chuſe ſuch Officers as are neceſſary to manage the Affairs of ſaid Precinct.

BOSTON :
Printed by RICHARD and SAMUEL DRAPER, and GREEN and RUSSELL, Printers to the Government. 1766.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay*, in *New-England*: *January* 1766.

## CHAP. IV.

An Act for diſcontinuing two of the Courts and for altering the Time of holding one of the Courts of General Seſſions of the Peace and Inferior Courts of Common Pleas within and for the County of *Berkſhire.*

Preamble.

*WHEREAS in and by the Law made for the erecting and eſtabliſhing the County of* Berkſhire, *it was among other Things enacted,* "That there ſhould be four Courts of General Seſſions of the Peace and Inferior Courts of Common Pleas held Yearly and in every Year at the Times and Places herein after expreſſed, *viz* At the North Pariſh in *Sheffield* (now called *Great-Barrington*) on the laſt Tueſday of *April*, and firſt Tueſday of *September*, and at *Pontoofuck* (now called *Pittsfield*) on the firſt Tueſday of *December* and firſt Tueſday of *March*:" *And whereas by Experience it is found that much Travel, Time and Expence is unneceſſarily incurred thereby:*

Two Courts only in a Year to be held in the County of *Berkſhire.*

*Be it therefore enacted by the Governor, Council, and Houſe of Repreſentatives,* That from and after the Tenth Day of *March* next enſuing, there ſhall be held and kept within the ſaid County of *Berkſhire* Yearly and in every Year, until the further Order of this Court, two Courts of General Seſſions of the Peace and Inferior Courts of Common Pleas, and no more, *viz.* At *Great-Barrington* on the firſt Tueſday of *September*, and at *Pittsfield* on the laſt Tueſday of *February*, any Thing in the afore-recited Act to the contrary notwithſtanding.

The Clerk directed how to make out Executions.

*And be it further enacted,* That the Clerk of the Inferior Court of Common Pleas in and for the ſaid County of *Berkſhire*, is hereby authorized and required to make all Executions which ſhall iſſue after the ſaid Tenth of *March* on Judgment obtained in the ſaid Court returnable into the Clerk's-Office at the End of three Months from the reſpective Dates thereof, in Caſe at the Time of iſſuing them it ſhall be more than three Months to the Time herein before ſet and eſtabliſhed for holding the ſaid Court which ſhall be next following the Day of the Date of ſuch Execution, and in Caſe it ſhall not be more than three Months from the Day of the Date of ſuch Execution to the Time herein before ſet for holding the ſaid Court which ſhall be next following the Day of the Date of ſuch Execution, the ſame ſhall be made returnable on the Day on which according to this Act the ſaid Court ſhall be next holden.

## CHAP. V.

### An Act in further Addition to the several Laws now in being for the more speedy finishing the Land-Bank or Manufactory Scheme.

Preamble.

*WHEREAS by Reason that* Samuel Danforth, *and* Nathaniel Hatch, *Esquires, two of the Commissioners by Law appointed for adjusting the Affairs necessary for the equitable finishing the* Land-Bank *or* Manufactory-Scheme, *desire to be excused from officiating any further in that Trust*; *and* Thomas Goldthwait, *Esq*; *the other of them is removed to such a Distance that he cannot attend that Service*; *so that no further Proceedings can be had, for adjusting and finishing those Affairs without the Aid of this Court*:

*Edward Sheaffe, Samuel Dexter,* and *James Humphry,* Esqrs. appointed Commissioners and their Power described.

*Be it therefore enacted by the Governor, Council, and House of Representatives,* That *Edward Sheaffe, Samuel Dexter,* and *James Humphry,* Esquires, be the Commissioners, in the Room of the said *Samuel Danforth, Nathaniel Hatch,* and *Thomas Goldthwait,* Esquires, to receive Commission from the Governor, and the said Commissioners shall by Virtue of this Act, after the said *Edward Sheaffe, Samuel Dexter,* and *James Humphry,* have been duly sworn as the Law directs, have as full Power in all Respects, as the Commissioners heretofore by Law appointed for adjusting and settling the Affairs of that Scheme, were vested withal; and the several Laws of this Province relative to said Scheme, and each and every Clause and Paragraph therein, with the Powers and Directions in the same Laws given to Sheriffs, and other ministerial Officers, touching the Service of Executions or Warrants of Distress issued or to be issued by Commissioners, the subjecting the Estates of Delinquents to the Payment of Assessments; the Sale of Estates that have or may be taken by Execution; the Quieting of the Purchasers of such Estates; and every other Matter and Thing whatsoever, shall be of Force and take Place under the Commission to be issued in Pursuance of this Act (for the better enabling the Commissioners herein appointed, and other Officers to proceed to the finishing of those Affairs) as fully to all Intents and Purposes as the said Laws would or might have taken Place, had the Commissioners heretofore appointed continued in that Trust.

Proviso.

*Provided nevertheless,* That the Commissioners appointed by this Act, do not proceed in the Execution of their Trust farther than to call in what may remain due and outstanding of three first Assessments, made by the former Commissioners, Anno Domini One thousand seven hundred and forty four, and One thousand seven hundred and forty-five, until the further Order of this Court.

Commissioners to render Accounts, and be paid for their Service.

*And be it further enacted,* That the Commissioners herein appointed, are hereby enjoined from Time to Time, to render an Account of their Doings to the General Court, when and so often as said Court shall order; the said Commissioners to be paid for their Time and Trouble in executing this Trust, as the General Court shall hereafter order.

CHAP.

## CHAP. VI.

## An Act for laying out and eſtabliſhing a new Street in the Town of *Boſton*, leading from Milk-Street to Battery-March-Street.

*WHEREAS* Benjamin Hallowell, *Eſq*; *by his Petition to this Court, has repreſented that the late Widening of* Battery-March *Street in the Town of* Boſton, *has greatly incommoded his Ship-Yard, and has propoſed that* Bread *Street (croſſing* Milk *Street) ſhould be continued up to his Houſe, and there open into* Battery-March *Street, and that the old Street leading along his Ship-Yard from the Bottom of* Milk *Street towards his Houſe and hitherto making a Part of* Battery-March *Street ſhould be cloſed up, and the Property thereof (according as the ſame has been lately widened) veſted in him: In Conſideration whereof he would ſatisfy the Heirs of* Stephen Greenleaf *and* Iſaac Dafforn *deceaſed, and alſo the Heirs of* William Hallowell *and* Samuel Hallowell, *for all the Land belonging to them reſpectively, that might be taken into ſaid propoſed new Street:* Preamble.

*And whereas it appears by the Memorial of the Selectmen of* Boſton, *in anſwer to ſaid Petition, that ſaid propoſed new Street will be convenient to the Public, and that the ſaid Town acquieſce in the aforeſaid Propoſal of the ſaid* Hallowell, *provided that at his Charge ſaid new Street be made paſſable for Carriages; that the Stones of the Pavement of ſaid old Street be removed to the new Street at his Coſt; and that he open ſaid new Street at his own Charge into* Battery-March *Street, and alſo that* Milk *Street preſerve it's full Length and Breadth as lately projected by a Committee of the General Court; all which Conditions the ſaid* Hallowell *has agreed to: And whereas the ſaid* Benjamin Hallowell *has agreed with the Heirs of the aforeſaid* Stephen Greenleaf, Iſaac Dafforn, William Hallowell, *and* Samuel Hallowell, *for the Purchaſe of the Land taken into ſaid new Street, and ſaid new Street has been laid out by a Committee of this Court:*

*Be it therefore enacted by the Governor, Council, and Houſe of Repreſentatives,* That ſaid new Street as now laid out, the Weſterly Side of which begins on the Southerly Side of *Milk* Street twenty-five Feet to the Eaſtward of the Northeaſterly Corner of the Houſe now improved by, and belonging to *John Fullerton*, and from thence runs on a ſtrait Line to the Weſterly Side of the Front Door of ſaid *Benjamin Hallowell*'s Dwelling-Houſe; and the Eaſterly Side of which runs parrellel with and at Forty Feet diſtance from the ſaid Weſterly Side, which is nearly on a Line with the Weſterly Side of *Bread* Street, ſhall be forever a Public Street, and uſed and deemed as ſuch; and ſhall be of the Width of Forty Feet throughout its whole Length from *Milk* Street to *Battery-March* Street aforeſaid: And all Encroachments thereon ſhall be removed as is directed by an Act made and paſſed in the Thirty-third Year of the Reign of his late Majeſty GEORGE the Second, intitled, "An Act for the better Re-building that Part of the Town of *Boſton* which was laid waſte by the late Fire, and for preventing Fire in that Town for the future." And all Actions that ſhall be brought for recovering Poſſeſſion of any Land lying within ſaid Street, or for Damages ſuſtained or occaſioned thereby ſhall be barred. Battery-March Street laid anew

*Provided*

Proviso. *Provided nevertheless*, That said *Hallowell* is hereby subjected to make good all Damages that may arise from his failing to perform the whole or any Part of his Agreement aforesaid.

Duty enjoined on *Benjamin Hallowell* Esq; *And be it further enacted*, That the said *Benjamin Hallowell* shall be and hereby is subjected at his own Costs to remove from the aforesaid old Street adjoining to his Ship-Yard, all the Paving Stones into said new Street, but not to lay or pave the same; and also to make the new Street herein before described passable for Carriages, and to satisfy or compensate the Heirs above-mentioned as aforesaid. In Consideration whereof, and of his giving for Public Use the Land contained in said new Street, *It is hereby enacted*, That said *Benjamin Hallowell* shall have all the Land now contained in the said old Street according as the same has been lately widened by a Committee of the General Court, in Pursuance of an Act made in the Thirty-third Year of his late Majesty's Reign, entitled, "An Act for the Prevention of Danger and Inconveniencies in Re-building that Part of the Town of *Boston* that was lately consumed by Fire;" *That is to say*, The Southerly Line of *Milk* Street as settled by said Committee being continued across said old Street, the said *Hallowell* shall have all the Land in said old Street to the Southward of said Line as far as the North Side of *Battery March* Street where said new Street will open into it, except so much of said old Street as the new Street may take in; it being hereby intended that *Milk* Street should preserve it's full Length and Breadth as settled by the Committee aforesaid. The said *Hallowell* to hold the said Land to him, his Heirs and Assigns forever. *Provided nevertheless*, that said Land shall be and hereby is subjected to secure the Heirs aforesaid, in Case of said *Hallowell*'s failing to compensate them as aforesaid.

Land to remain as Security for Performance.

CHAP

## CHAP. VII.

An Act for ſetting off *Edward Stearns* of *Billerica*, with his Lands there from the ſaid Town, and annexing the ſame to the Town of *Bedford*.

Preamble.

*WHEREAS it hath been repreſented to this Court, that the Lands of* Edward Stearns *of* Billerica *in the County of* Middleſex, *together with his Place of his Habitation, lie much nearer the Place of Public Worſhip in the Town of* Bedford *in ſaid County, than to the Place of Public Worſhip in the ſaid Town of* Billerica, *and in all Reſpects will be more accommodated to be ſet off from the ſaid Town of* Billerica, *and annexed to the ſaid Town of* Bedford; *and in Conſideration thereof the ſaid Town of* Billerica *have conſented thereto: And whereas the ſaid* Edward Stearns, *together with the Agents of the ſaid Town of* Bedford *have humbly petitioned this Court therefor:*

*Edward Stearns* sEſtate annexed to *Bedford.*

*Be it therefore enacted by the Governor, Council, and Houſe of Repreſentatives, in General Court aſſembled,* That the ſaid *Edward Stearns*, with his Lands, be, and hereby are ſet off from the Town of *Billerica*, and annexed to the Town of *Bedford*, there to do Duties and receive Privileges as other of their Inhabitants; and that the Line between the aforeſaid Towns for the future be, and are eſtabliſhed as follows; that is to ſay, Beginning at a Maple Stump in the old Line between ſaid Towns at a Place known by the Name of *Page*'s Corner, thence in a ſtreight Line to the Southeaſterly Corner of *Iſaac Stearns*'s Lands to a Ditch a Stake and Stones, thence running on ſaid Ditch to the North-eaſt Corner of the ſaid *Edward Stearns*'s Land, thence on the old Ditch in the Line between the ſaid *Iſaac* and *Edward Stearns* to a Stake and Stones at the End of ſaid Ditch at a ſmall Turn in the old Wall, thence running to a large Rock with ſmall Stones about it, being on the South Side of the Brook about two Pole South-Weſt from the Saw-Mill, from thence on ſaid Brook to *Concord* River.

Line between *Bellerica* and *Bedford* deſcribed.

## CHAP. VIII.

### An Act for erecting the Weſterly Part of the Town of *Townſend*, in the County of *Middleſex*, the Northerly Part of the Town of *Fitchburg*, and the Northeaſterly Part of the Town of *Aſhburnham*, in the County of *Worceſter*, into a Town by the Name of *Aſhby*, to be annexed to the County of *Middleſex*.

Preamble.

*WHEREAS it has been repreſented to this Court, that the Inhabitants of the Weſterly Part of the Town of* Townſend, *in the County of* Middleſex, *the Northerly Part of the Town of* Fitchburg, *and the Northeaſterly Part of the Town of* Aſhburnham, *in the County of* Worceſter, *labour under great Difficulties by Reaſon of their not being erected into a Town, and are deſirous of being ſo erected:*

Town of *Aſhby* bounded & deſcribed

*Be it therefore enacted by the Governor, Council, and Houſe of Repreſentatives*, That the Weſterly Part of *Townſend*, in the County of *Middleſex*, the Northerly Part of *Fitchburgh*, and the Northeaſterly Part of *Aſhburnham*, in the County of *Worceſter*, deſcribed as follows, *viz* Beginning at the Southweſterly Corner of *Townſend*, and running Northerly to the Southweſterly Corner of *James Colman*'s ſecond Diviſion Lot Number Eighteen, then running on the Weſterly Line of ſaid Lot, to the Northweſt Corner of ſaid *Colman*'s Lot, then extending the ſame Point to the Province Line, then turning and running Eaſterly on the Province Line to *Townſend* Northweſt Corner, then running Eaſterly on the Province Line three Miles, then turning and running Southerly four Miles one hundred and ten Rods to *Lunenbourgh* Northweſt Corner, then running Southerly half a Mile on the Line between *Lunenbourgh* and *Fitchburgh*, then running Weſterly to *Aſhburnham* Eaſt Line, then running Northerly to *Townſend* South-weſt Corner where it firſt began; be and are hereby erected into a Town by the Name of *Aſhby*; and that the Inhabitants thereof be and hereby are inveſted with all the Powers, Privileges and Immunities which the Inhabitants of the Towns within this Province by Law do or may enjoy, that of ſending a Repreſentative to the General Aſſembly only excepted: And that the Inhabitants of the ſaid Town of *Aſhby* ſhall have Liberty from Time to Time to join with the Town of *Townſend* in the Choice of a Repreſentative or Repreſentatives, which Repreſentative or Repreſentatives may be choſen indifferently from the ſaid Town of *Townſend* or Town of *Aſhby*, the Pay or Allowance of ſuch Repreſentative or Repreſentatives, to be borne by the ſaid Town of *Townſend* and Town of *Aſhby* according to their reſpective Proportion of the Province Tax; and that the Town of *Townſend* as often as they ſhall call a Meeting for the Choice of a Repreſentative or Repreſentatives ſhall from Time to Time give ſeaſonable Notice to the Clerk of the ſaid Town of *Aſhby* for the Time being, of the Time and Place for holding ſaid Meeting, to the End the ſaid Town of *Aſhby* may join therein, and the Clerk of the ſaid Town of *Aſhby* ſhall ſet up in ſome public Place in ſaid Town of *Aſhby* a Notification accordingly.

To join with *Townſend* in the Choice of Repreſentatives.

and to be notified for that Purpoſe.

*Provided*

*Provided nevertheleſs, and be it further enacted,* That the ſaid Town of *Aſhby* ſhall pay their Proportion of all ſuch Province, County and Town Taxes already granted to be raiſed on the ſeveral Towns to which they ſeverally belong. To pay their Proportion of Taxes already granted.

*And be it further enacted,* That *James Preſcot*, Eſq; be and hereby is directed and impowered to iſſue his Warrant directed to ſome principal Inhabitant within ſaid Town, requiring him to warn the Inhabitants of ſaid Town, qualified by Law to vote in Town Affairs, to meet at ſuch Time and Place as ſhall be therein ſet forth, to chuſe all ſuch Officers as are or ſhall be required by Law to manage the Affairs of ſaid Town. The firſt Townmeeting how to be called.

*Be it further enacted,* That the Town-Clerks of the ſaid Towns of *Townſend*, *Fitchburgh* and *Aſhburnham*, before the firſt Town Meeting of the ſaid Town of *Aſhby*, ſhall deliver to *James Preſcot*, Eſq; of *Groton*, Copies of the laſt Liſts of Valuation of the Real and Perſonal Eſtates of the Inhabitants of ſaid Town of *Aſhby*, in order to determine the Qualification of Voters at ſaid Meeting: And that the Inhabitants who ſhall appear by ſaid Liſts to be Voters according to Law ſhall be allowed to vote. Liſts of Valuation to be delivered in for the Regulation of Votes.

*And be it further enacted,* That ſaid Town be annexed to and hereby is Part of the County of *Middleſex*. annexed to the County of *Middleſex*.

## CHAP. IX.

## An Act for incorporating the Eaſterly Part of the Town of *Richmont*, in the County of *Berkſhire*, into a Diſtrict by the Name of *Lenox*.

*WHEREAS it has been repreſented to this Court, that the Incorporating the Eaſterly Part of the Town of* Richmont *in the County of* Berkſhire, *will greatly contribute to the Growth thereof, and remedy many Inconveniencies to which the Inhabitants and Proprietors may otherwiſe be ſubjected:* Preamble.

*Be it therefore enacted by the Governor, Council, and Houſe of Repreſentatives,* That the Inhabitants of the Eaſterly Part of the Town of *Richmont*, in the County of *Berkſhire*, bounded as follows, viz. Beginning at the South-weſt Corner of that Part of ſaid Town of *Richmont*, formerly called *Yokun* Town, thence North by the Needle to the South-weſt Corner of Lot Number Twenty, in the ſecond Diviſion in ſaid *Yokun* Town, thence Eaſt eight Degrees South to the South-eaſt Corner Diſtrict of *Lenox* bounded & deſcribed

ner of ſaid Lot, thence North nine Degrees East to the North-eaſt Corner of Lot Number Twenty-one in ſaid ſecond Diviſion in ſaid *Yokun* Town, thence North by the Needle to the North-weſt Corner of Lot Number Forty-three in ſaid ſecond Diviſion, thence East nine Degrees South to the South-eaſt Corner of the ſame Lot, thence Northerly to the North-eaſt Corner of Lot Number Forty-ſeven in ſaid Diviſion, which is the Dividing Line between the Town of *Pittsfield* and ſaid Town of *Richmont*, be, and they hereby are Incorporated into a ſeparate Diſtrict by the Name of *Lenox*; and that the Inhabitants thereof be veſted with all the Powers, Privileges, and Immunities which the Inhabitants of any Town within this Province do, or by Law ought to enjoy, excepting only the Privilege of ſending a Repreſentative to the General Aſſembly; and that the Inhabitants of ſaid Diſtrict ſhall have Liberty from Time to Time to join with the Town of *Richmont* in the Choice of a Repreſentative or Repreſentatives, which Repreſentatives may be choſen indifferently from ſaid Town or Diſtrict, the Pay or Allowance of ſuch Repreſentatives to be borne by the ſaid Town and Diſtrict according to their reſpective Proportions of the Province Tax; and that the Town of *Richmont*, as often as they ſhall call a Meeting for the Choice of Repreſentatives, ſhall from Time to Time give ſeaſonable Notice to the Clerk of ſaid Diſtrict of *Lenox* for the Time being, of the Time and Place for holding ſaid Meeting, to the End that the ſaid Diſtrict may join therein; and the Clerk of the ſaid Diſtrict ſhall ſet up in ſome public Place in ſaid Diſtrict a Notification thereof accordingly: The Meeting for the Choice of Repreſentatives to be held alternately in the Town of *Richmont* and the ſaid Diſtrict, and to be regulated by the Selectmen of the Town or Diſtrict where the Meeting ſhall be held.

to join with *Richmont* in the Choice of Repreſentatives.

to be notified for that Purpoſe.

Certain Lots not included in *Lenox* to pay Taxes for building a Meetinghouſe &c.

*And be it further enacted*, That the Lots lying East of the Original Dividing-Line between the Proprietors of *Yokun* and *Mount Ephraim*, ſo called, notwithſtanding they are not included in ſaid Diſtrict of *Lenox*, ſhall pay Taxes towards building a Meeting Houſe in ſaid Diſtrict, till it is ſo far finiſhed as the Meeting-Houſe in ſaid *Richmont* now is, and ſettling a Miniſter in ſaid Diſtrict; and they ſhall be exempted from paying Taxes towards ſettling a Miniſter in the ſaid Town of *Richmont*; and the ſaid Town of *Richmont* ſhall not have any Benefit of any of the public Lands lying East of ſaid Original Proprietary Line.

Proprietors Rates to remain good.

*And be it further enacted*, That all Aſſeſſments of Rates and Taxes agreed upon by ſaid original Proprietors ſhall be in full Force, and may be levied, collected and applied in like Manner as if this Act had not been made.

*William Williams*, Eſq; to direct in calling the firſt Meeting of the Inhabitants.

*And be it further enacted*, That *William Williams*, Eſq; be and hereby is impowered to iſſue a Warrant to ſome principal Inhabitant of ſaid Diſtrict of *Lenox*, requiring him to call a Meeting of ſaid Inhabitants in order to chuſe ſuch Officers as by Law Towns are impowered to chuſe in the Month of *March* annually.

BOSTON:
Printed by RICHARD DRAPER, and GREEN and RUSSELL,
Printers to the Government. 1767.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*: Begun and held at *Boſton*, in the County of *Suffolk*, upon Wedneſday the Twenty-ſeventh Day of *May*, 1767.

## CHAP. I.

An Act for erecting the new Plantation called *Lebanon* lying at the Head of the Town of *Berwick*, adjoining on the Eaſtern Side of *Salmon* Falls River in the County of *York*, into a Town by the Name of *Lebanon*.

Preamble.

*WHEREAS the erecting the Plantation called* Lebanon, *into a Town will greatly contribute to the Growth thereof, and remedy many inconveniencies to which the Inhabitants and Proprietors may be otherwiſe ſubject.*

*Lebanon* erected into a Town by certain Bounds.

*Be it enacted by the* Governor, Council, *and Houſe of* Repreſentatives, That the Plantation aforeſaid, Bounded as followeth, *Viz.* Begining at *Salmon* Fall River in the North Bounds of the Townſhip of *Berwick*, and to run North Eaſt and by Eaſt with that Line ſix Miles two Hundred Rods; then North Weſt and by North ſix Miles and eighty Rods with the Province Land; then South Weſt and by Weſt with the unappropriated Lands of the Government, and a Grant made to *Jonathan Bagley*, Eſq; to the River aforeſaid, and then with the ſaid River to the Bounds firſt mentioned, be, and hereby is erected into a Town by the Name of *Lebanon*, and that the Inhabitants thereof be, and hereby are inveſted with all the Powers, Priviledges and Immunities which the Inhabitants of the Towns within this Province do enjoy.

*Benja. Chadburne*, Eſq; to iſſue his Warrant for calling a Meeting.

*And be it further enacted*, That *Benjamin Chadburne*, Eſq; be, and hereby is impowered to iſſue his Warrant directed to ſome principal Inhabitant in ſaid Town, requiring him to warn the Inhabitants of the ſaid Town who have an Eſtate of Freehold according to Charter, to meet at ſuch Time and Place as ſhall be therein ſet forth to chuſe all ſuch Officers as are, or ſhall be required by Law to manage the Affairs of the ſaid Town.

## CHAP. II.

## An Act for incorporating the North Eaſt Quarter of the Townſhip of *Rutland* in the County of *Worceſter*, into a Diſtrict by the Name of *Hubbardſton.*

Preamble.

*WHEREAS the Inhabitants of the Northeaſt Quarter of the Townſhip of* Rutland *in the County of* Worceſter, *labour under many and great Difficulties, by Reaſon of their not being erected into a diſtinct and ſeparate Diſtrict:* Wherefore,

*Hubbardſton* erected into a Diſtrict by certain Bounds.

*Be it enacted by the* Governor, Council, *and Houſe of* Repreſentatives, That the ſaid Northeaſt Quarter of *Rutland* as hereafter deſcribed, *Viz.* Bounded Southerly on the Town of *Rutland,* Eaſterly on *Princetown,* Northerly on *Templetown,* and Weſterly on *Rutland* Diſtrict, be and is hereby incorporated into a Diſtrict by the Name of *Hubbardſton,* and that the ſaid Diſtrict be and hereby is inveſted with all the Powers, Priviledges and Immunities that Towns in this Province by Law do or may enjoy, that of ſending a Repreſentative to the General Court only excepted, and that the Inhabitants of ſaid Diſtrict ſhall have liberty from time to time to join with the Town of *Rutland* in chuſing a Repreſentative, and ſhall be notified by the Selectmen of ſaid Town of *Rutland* of the Time and Place of Election, by giving ſeaſonable Notice to the Clerk of the ſaid Diſtrict for the time being, of the Time and Place of the ſaid Meeting, to the end that the ſaid Diſtrict may join them therein; and the Clerk of ſaid Diſtrict ſhall ſet up in ſome public Place in ſaid Diſtrict a Notification thereof accordingly; which Repreſentative may be choſen indifferently from ſaid Town or Diſtrict: the Pay and Allowance of ſuch Repreſentative to be borne by ſaid Town and Diſtrict, in proportion as they ſhall from time to time pay to the Province Tax.

to join with *Rutland* in chooſing a Repreſentative.

Proviſo.

*Provided nevertheleſs, and be it further enacted,* That the ſaid Diſtrict ſhall pay their proportion of all Town, County and Province Taxes already ſet on, or granted to be raiſed by the Town of *Rutland,* in like Manner as if this Act had not been made.

A Tax laid for repairing Roads.

*And be it further enacted,* That there be laid a Tax of *One Penny* per Acre upon all the Lands lying in ſaid Diſtrict for one Year only, to enable the Inhabitants of ſaid Diſtrict to make and repair Roads.

*John Murray,* Eſq; to iſſue his Warrant for calling a Meeting.

*And be it further enacted,* That *John Murray,* Eſq; of ſaid *Rutland,* be, and hereby is directed and empowered to iſſue his Warrant directed to ſome principal Inhabitant within ſaid Diſtrict, requiring him to warn the Inhabitants of ſaid Diſtrict qualified to vote in Town Affairs, to aſſemble at ſome ſuitable Time and Place in ſaid Diſtrict, to chuſe all ſuch Officers as are neceſſary to manage the Affairs of ſaid Diſtrict.

Town Clerk of *Rutland* to deliver him Copies of laſt Liſts of Valuations.

*And be it further enacted,* That the Town Clerk of the Town of *Rutland* before the firſt Meeting of the ſaid Diſtrict of *Hubbardſton* ſhall deliver to ſaid *John Murray,* Eſq; Copies of the laſt Liſts of Valuations of the Real and Perſonal Eſtates of the Inhabitants of ſaid Diſtrict of *Hubbardſton,* in order to determine the qualifications of Voters at ſaid Meeting, and that the Inhabitants who ſhall appear by ſaid Liſts to be Voters according to Law, ſhall be allowed to Vote.

CHAP.

## CHAP. III.

## An Act for incorporating the South Westerly Part of *Deerfield* in the County of *Hampshire*, into a District by the Name of *Conway*.

*WHEREAS it appears to this Court, that the Incorporating the South Westerly Part of the Town of* Deerfield, *in the County of* Hampshire, *into a seperate District would relieve the Inhabitants already settled there, from many Difficulties they now labour under, and tend greatly to encourage others to settle thereon* : Preamble.

*Be it therefore enacted by the* Governor, Council, *and House of* Representatives, That the South Westerly Part of the said Town of *Deerfield*, bounding as follows, *Viz.* East on the seven Mile Line, so called, until it comes to *Deerfield* River; South upon the North Line of the Town of *Hatfield*; West on the East Line of *Ashfield*; North, partly on the North West Division so called, until it meet with *Deerfield* River, and thence by said River until it come to the seven Mile Line aforesaid, be, and hereby is erected into a District by the Name of *Conway*; and that the Inhabitants thereof be vested with all the Powers, Priviledges and Immunities which the Inhabitants of the Towns within this Province do enjoy, excepting only the Priviledge of sending a Representative to the General Assembly; and that the Inhabitants of said District shall have Liberty from Time to Time, to join with the Town of *Deerfield* in the Choice of a Representative or Representatives, which Representatives may be chosen indifferently from said Town or District, or the District of *Greenfield*, already joined with said Town of *Deerfield*, the Pay and Allowance of such Representatives to be borne by said Town and Districts, according to their respective Proportions of the Province Tax; and that the Town of *Deerfield*, as often as they shall call a Meeting for the Choice of Representatives, shall from Time to Time, give seasonable Notice to the Clerk of the said District of *Conway*, for the Time being, of the Time and Place for holding said Meeting, to the End that the said District may join therein; and the Clerk of said District shall set up in some public Place in said District a Notification thereof accordingly. The Meeting for the Choice of Representatives to be held in the Town of *Deerfield*, and to be regulated by the Selectmen of said *Deerfield*.

*Conway* erected into a District by certain Bounds

to join with *Deerfield* in choosing a Representative.

Meeting for the Choice to be held in *Deerfield*.

*And be it further enacted*, That the said District of *Conway*, shall pay their Proportion of all Town, County and Province Taxes alread set on, or granted to be raised, as if this Act had not been made, and in future Taxes (until the further Order of this Court) shall pay a like Proportion as they paid in the last Province and County Taxes laid on the Town of *Deerfield*, and that it be deducted from *Deerfield* Tax.

To pay their Proportion of certain Taxes.

*And be it further enacted*, That *Elijah Williams*, Esq; be, and hereby is impowered to issue his Warrant directed to some principal Inhabitant in said District of *Conway*, requiring him to warn the Inhabitants of the said District, in order to chuse such Officers as by Law Towns are impowered to chuse in the Month of *March* annually.

*Elijah Williams* Esq; to issue his Warrant for calling a Meeting.

*Be it enacted*, That the Inhabitants of the said District of *Conway*, who in the last Tax in the Town of *Deerfield*, were rated one Half Part so much for their Estates and Faculties as for one single Pole, shall be allowed to Vote in their first Meeting, and such other Meetings as may be called in said District, until a Valuation of Estates shall be made by Assessors there.

Who shall be allowed to Vote at said Meeting.

CHAP.

## CHAP. IV.

### An Act for Confirming the Votes and Orders of the Proprietors of the Town of *Royalſton*, ſince the fourth Day of *June*, in the Year one Thouſand ſeven hundred and ſixty-four.

Preamble.

*WHEREAS at a Meeting of the Proprietors of the Town of* Royalſton, *held at* Cambridge *in the County of* Middleſex, *on the fourth Day of* June *in the Year one Thouſand ſeven Hundred and ſixty-four, the ſtanding Clerk of the ſaid Propriety being neceſſarily abſent,* Caleb Dana, *Eſq; was then choſen Clerk* (Pro hac vice) *but not Sworn, and the Meeting aforeſaid was Adjourned from time to time, and many Votes of great Conſequence to ſaid Propriety were paſſed at the ſeveral Meetings by Adjournment ſince the ſaid fourth Day of* June, *and a Diviſion made of the greateſt Part of the Proprietors Land in ſaid Town, and Deeds paſſed in Conſequence of ſaid Meeting, and the ſeveral Adjournments thereon; and the Proprietors have made Application to this Court to aid them ſo far as to confirm the ſaid Meeting of the fourth Day of* June *aforeſaid, and all the ſubſequent Proceedings thereon at their ſeveral Adjournments, the Omiſſion of the ſaid* Dana's *being Sworn notwithſtanding.*

Therefore,

Votes and Orders ſince the 4th of *June* 1764, declared valid.

*Be it enacted by the* Governor, Council, *and Houſe of* Repreſentatives, That the Meeting of the ſaid Proprietors of *Royalſton* of the fourth Day of *June*, one Thouſand ſeven Hundred and ſixty-four, and all the Votes and Orders paſſed at ſaid Meeting and the ſeveral Meetings they have had by Adjournments ſince, and all their Proceedings as to a Diviſion of their Lands, and every other Act or Acts, Thing or Things by them done, on the ſaid fourth Day of *June*, one Thouſand ſeven Hundred and ſixty-four, and at their ſeveral Adjournments ſince, be and hereby are Confirmed to all intents and purpoſes, as fully as if the ſaid *Caleb Dana*, had been duly and ſeaſonably Choſen and Sworn to the faithful diſcharge of his ſaid Truſt.

Proviſio.

*Provided*, The ſaid *Caleb* make ſolemn Oath that he has truly and faithfully entred the Votes and Proceedings of ſaid Proprietors, at each and every of the Meeting aforeſaid wherein he acted as Clerk, and a Certificate of ſuch Oath be entred in the Records of the ſaid Proprietors.

The foregoing Acts were Publiſhed *June* 25, 1767.

*BOSTON*, New-England.

Printed by RICHARD DRAPER, JOHN GREEN, and JOSEPH RUSSELL, Printers to the Government. 1767.

# An Act of Parliament,

Paſſed in the Seventh Year of the Reign of Our Sovereign Lord *GEORGE* the Third.

## CAP. XLVI.

An Act for granting certain Duties in the *Britiſh* Colonies and Plantations in *America*; for allowing a Drawback of the Duties of Cuſtoms upon the Exportation, from this Kingdom, of Coffee and Cocoa Nuts of the Produce of the ſaid Colonies or Plantations; for diſcontinuing the Drawbacks payable on China Earthen Ware exported to *America*; and for more effectually preventing the clandeſtine Running of Goods in the ſaid Colonies and Plantations.

WHEREAS it is expedient that a Revenue ſhould be raiſed, in Your Majeſty's Dominions in *America*, for making a more certain and adequate Proviſion for defraying the Charge of the Adminiſtration of Juſtice, and the Support of Civil Government, in ſuch Provinces where it ſhall be found neceſſary; and towards further defraying the Expences of defending, protecting, and ſecuring, the ſaid Dominions; We, Your Majeſty's moſt dutiful and loyal Subjects, the Commons of *Great Britain*, in Parliament aſſembled, have therefore reſolved to give and grant unto Your Majeſty the ſeveral Rates and Duties herein after mentioned; and do moſt humbly beſeech Your Ma- Preamble.

From and after 20 Nov. 1767, the Duties following are to take Place, upon the respective Goods herein after mentioned imported from Great Britain into the British Colonies and Plantations in America; viz.

jesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twentieth Day of *November*, One thousand seven hundred and sixty seven, there shall be raised, levied, collected, and paid, unto His Majesty, His Heirs, and Successors, for and upon the respective Goods herein after mentioned, which shall be imported from *Great Britain* into any Colony or Plantation in *America* which now is, or hereafter may be, under the Dominion of His Majesty, His Heirs, or Successors, the several Rates and Duties following; that is to say,

Upon Glass,

For every Hundred Weight Avoirdupois of Crown, Plate, Flint, and White Glass, Four Shillings and eight Pence.

For every Hundred Weight Avoirdupois of Green Glass, One Shilling and Two Pence.

Read Lead,

For every Hundred Weight Avoirdupois of Red Lead, Two Shillings.

White Lead,

For every Hundred Weight Avoirdupois of White Lead, Two Shillings.

Painters Colours,

For every Hundred Weight Avoirdupois of Painters Colours, Two Shillings.

Teas,

For every Pound Weight Avoirdupois of Tea, Three Pence.

and Paper:

For every Ream of Paper, usually called or known by the Name of *Atlas Fine*, Twelve Shillings.

For every Ream of Paper called *Atlas Ordinary*, Six Shillings.

For every Ream of Paper called *Bastard*, or *Double Copy*, One Shilling and Six Pence.

For every single Ream of Blue Paper for Sugar Bakers, Ten Pence Halfpenny.

For every Ream of Paper called *Blue Royal*, One Shilling and Six Pence.

For every Bundle of Brown Paper containing Forty Quires, not made in *Great Britain*, Six Pence.

For every Ream of Paper called *Brown Cap*, not made in *Great Britain*, Nine Pence.

For every Ream of Paper called *Brown Large Cap*, made in *Great Britain*, Four Pence Halfpenny.

For every Ream of Paper called *Small Ordinary Brown*, made in *Great Britain*, Three Pence.

For every Bundle, containing Forty Quires, of Paper called *Whited Brown*, made in *Great Britain*, Four Pence Halfpenny.

For every Ream of Cartridge Paper, One Shilling and One Penny Halfpenny.

For every Ream of Paper called *Chancery Double*, One Shilling and Six Pence.

For every Ream of Paper called *Genoa Crown Fine*, One Shilling and One Penny Halfpenny.

For every Ream of Paper called *Genoa Crown Second*, Nine Pence.

For every Ream of Paper called *German Crown*, Nine Pence.

For every Ream of Paper called *Fine Printing Crown*, Nine Pence.

For every Ream of Paper called *Second Ordinary Printing Crown*, Six Pence Three Farthings.

For every Ream of Paper called *Crown Fine*, made in *Great Britain*, Nine Pence.

For

For every Ream of Paper called *Crown Second*, made in *Great Britain*, Six Pence Three Farthings.

For every Ream of Paper called *Demy Fine*, not made in *Great Britain*, Three Shillings.

For every Ream of Paper called *Demy Second*, not made in *Great Britain*, One Shilling and Four Pence Halfpenny.

For every Ream of Paper called *Demy Fine*, made in *Great Britain*, One Shilling and One Penny Halfpenny.

For every Ream of Paper called *Demy Second*, made in *Great Britain*, Nine Pence.

For every Ream of Paper called *Demy Printing*, One Shilling and Three Pence.

For every Ream of Paper called *Genoa Demy Fine*, One Shilling and Six Pence.

For every Ream of Paper called *Genoa Demy Second*, One Shilling and One Penny Halfpenny.

For every Ream of Paper called *German Demy*, One Shilling and One Penny Halfpenny.

For every Ream of Paper called *Elephant Fine*, Six Shillings.

For every Ream of Paper called *Elephant Ordinary*, Two Shillings and Five Pence Farthing.

For every Ream of Paper called *Genoa Fools Cap Fine*, One Shilling and One Penny Halfpenny.

For every Ream of Paper called *Genoa Fools Cap* Nine Pence.

For every Ream of Paper called *German Fools Cap Second*, Nine Pence.

For every Ream of Paper called *Fine Printing Fools Cap*, Nine Pence.

For every Ream of Paper called *Second Ordinary Printing Fools Cap*, Six Pence Three Farthings.

For every Ream of any other Paper called *Fools Cap Fine*, not made in *Great Britain*, One Shilling and Ten Pence Halfpenny.

For every Ream of any other Paper called *Fools Cap Fine Second*, not made in *Great Britain*, One Shilling and Six Pence.

For every Ream of Paper called *Fools Cap Fine*, made in *Great Britain*, Nine Pence.

For every Ream of Paper called *Fools Cap Second*, made in *Great Britain*, Six Pence Three Farthings.

For every Ream of Paper called *Imperial Fine*, Twelve Shillings.

For every Ream of Paper called *Second Writing Imperial*, Eight Shillings and Three Pence.

For every Ream of Paper called *German Lombard*, Nine Pence.

For every Ream of Paper called *Medium Fine*, Four Shillings and Six Pence.

For every Ream of Paper called *Genoa Medium*, One Shilling and Ten Pence Halfpenny.

For every Ream of Paper called *Second Writing Medium*, Three Shillings.

For every Ream of Painted Paper, not made in *Great Britain*, Six Shillings.

For every Ream of Paper called *Fine Large Post*, One Shilling and Ten Pence Halfpenny.

For

For every Ream of Paper called *Small Poſt*, One Shilling and One Penny Halfpenny.

For every Ream of Paper called *Fine Genoa Pot*, Six Pence Three Farthings.

For every Ream of Paper called *Second Genoa Pot*, Six Pence Three Farthings.

For every Ream of other Paper called *Superfine Pot*, not made in *Great-Britain*, One Shilling and Six Pence.

For every Ream of other Paper called *Second Fine Pot*, not made in *Great Britain*, One Shilling and One Penny Halfpenny.

For every Ream of Paper called *Ordinary Pot*, not made in *Great Britain*, Six Pence Three Farthings.

For every Ream of Paper called *Fine Pot*, made in *Great Britain*, Nine Pence.

For every Ream of Paper called *Second Pot*, made in *Great Britain*, Four Pence Halfpenny.

For every Ream of Paper called *Super Royal Fine*, Nine Shillings.

For every Ream of Paper called *Royal Fine*, Six Shillings.

For every Ream of Paper called *Fine Holland Royal*, Two Shillings and Five Pence Farthing.

For every Ream of Paper called *Fine Holland Second*, One Shilling and Six Pence.

For every Ream of Paper called *Second Fine Holland Royal*, One Shilling and Six Pence.

For every Ream of Paper called *Ordinary Royal*, Nine Pence.

For every Ream of Paper called *Genoa Royal*, Two Shillings and Five Pence Farthing.

For every Ream of Paper called *Second Writing Royal*, Four Shillings and One Penny Halfpenny.

For every Ream of Paper called *Second Writing Super Royal*, Six Shillings.

For every Hundred Weight Avoirdupois of Paſte-boards, Mill-boards, and Scale-boards, not made in *Great Britain*, Three Shillings and Nine Pence.

For every Hundred Weight Avoirdupois of Paſte-boards, Mill-boards, and Scale-boards, made in *Great Britain*, Two Shillings and Three Pence.

And for and upon all Paper which ſhall be printed, painted, or ſtained, in *Great Britain*, to ſerve for Hangings or other Uſes, Three Farthings for every Yard ſquare, over and above the Duties payable for ſuch Paper by this Act, if the ſame had not been printed, painted, or ſtained; and after thoſe Rates reſpectively for any greater or leſs Quantity.

All other unrated Paper how to be charged.

And it is hereby further enacted by the Authority aforeſaid, That all other Paper (not being particularly rated and charged in this Act) ſhall pay the ſeveral and reſpective Duties that are charged, by this Act, upon ſuch Paper as is neareſt above in Size and Goodneſs to ſuch unrated Paper.

Quantity of which a Ream and Quire are to conſiſt.

And be it declared and enacted by the Authority aforeſaid, That a Ream of Paper, chargeable by this Act, ſhall be underſtood to conſiſt of Twenty Quires, and each Quire of Twenty four Sheets.

And

And it is hereby further enacted by the Authority aforesaid, That the said Rates and Duties, charged by this Act upon Goods imported into any *British American* Colony or Plantation, shall be deemed, and are hereby declared to be, Sterling Money of *Great Britain*; and shall be collected, recovered, and paid, to the Amount of the Value which such Nominal Sums bear in *Great-Britain*; and that such Monies may be received and taken, according to the Proportion and Value of Five Shillings and Six Pence the Ounce in Silver; and shall be raised, levied, collected, paid, and recovered, in the same Manner and Form, and by such Rules, Ways, and Means, and under such Penalties and Forfeitures, as any other Duties, now payable to His Majesty upon Goods imported into the said Colonies or Plantations, may be raised, levied, collected, paid, and recovered, by any Act or Acts of Parliament now in Force, as fully and effectually, to all Intents and Purposes, as if the several Clauses, Powers, Directions, Penalties, and Forfeitures, relating thereto, were particularly repeated, and again enacted, in the Body of this present Act: And that all the Monies that shall arise by the said Duties (except the necessary Charges of raising, collecting, levying, recovering, answering, paying, and accounting for the same) shall be applied, in the first Place, in such Manner as is hereinafter mentioned, in making a more certain and adequate Provision for the Charge of the Administration of Justice, and the Support of Civil Government, in such of the said Colonies and Plantations where it shall be found necessary; and that the Residue of such Duties shall be paid into the Receipt of His Majesty's Exchequer, and shall be entered separate and apart from all other Monies paid or payable to His Majesty, His Heirs, or Successors; and shall be there reserved, to be from time to time disposed of by Parliament towards defraying the necessary Expences of defending, protecting, and securing, the *British* Colonies and Plantations in *America*.

Duties to be paid as Sterling Money of Great Britain.

at the Rate of 5*s.* 6*d.* *per* Oz. in Silver; and to be paid and levied as any other Duties payable to His Majesty;

and to be applied, in the first Place, in making Provisions for the Administration of Justice, and Support of the Civil Government; and the Residue to be paid into the Exchequer, and reserved for the Disposition of Parliament.

And be it further enacted by the Authority aforesaid, That His Majesty and His Successors shall be, and are hereby, impowered, from time to time, by any Warrant or Warrants under His or Their Royal Sign Manual or Sign Manuals, countersigned by the High Treasurer, or any Three or more of the Commissioners of the Treasury for the time being, to cause such Monies to be applied, out of the Produce of the Duties granted by this Act, as His Majesty, or His Successors, shall think proper or necessary, for defraying the Charges of the Administration of Justice, and the Support of the Civil Government, within all or any of the said Colonies or Plantations.

His Majesty impowered to cause such Monies to be applied out of the Produce of the said Duties as He shall judge necessary for defraying the Charges of the Administration of Justice and Civil Government there.

And whereas the allowing a Drawback of all the Duties of Customs upon the Exportation, from this Kingdom, of Coffee and Cocoa Nuts, the Growth of the *British* Dominions in *America*, may be a Means of encouraging the Growth of Coffee and Cocoa in the said Dominions; be it therefore enacted by the Authority aforesaid, That from and after the said Twentieth Day of *November*, One thousand seven hundred and sixty seven, upon the Exportation of any Coffee or Cocoa Nuts, of the Growth or Produce of any *British* Colony or Plantation in *America*, from this Kingdom as Merchandize, the Whole Duties of Customs, payable upon the Importation of such Coffee or Cocoa Nuts, shall be drawn back and repaid; in such Manner, and under such Rules, Regu-

Drawback of the Duties of Customs allowed upon Exportation from this Kingdom, of Coffee and Cocoa Nuts, Produce of the *British American* Plantations

lations, Penalties, and Forfeitures, as any Drawback or Allowance, payable out of the Duties of Cuſtoms upon the Exportation of ſuch Coffee or Cocoa Nutts, was, could, or might be paid, before the Paſſing of this Act; any Law, Cuſtom, or Uſage, to the contrary notwithſtanding.

Drawback diſcontinued upon ſuch China Earthen Ware ſold after the Paſſing of this Act, at the Company's Sale, as ſhall be exported to *America*.

And it is hereby further enacted by the Authority aforeſaid, That no Drawbacks ſhall be allowed for any China Earthen Ware ſold, after the Paſſing of this Act, at the Sale of the United Company of Merchants of *England* trading to the *Eaſt Indies*, which ſhall be entered for Exportation from *Great Britain* to any Part of *America*; any Law, Cuſtom, or Uſage, to the contrary notwithſtanding.

Penalty of fraudulently entering for Exportation any ſuch Ware as ſold before the Paſſing this Act, that had been ſold after; or of entering ſuch Ware for foreign Parts, to obtain a Drawback, and carrying the ſame to, and landing it in, *America*. Method of Recovery and Application of the Penalty.

And it is hereby further enacted by the Authority aforeſaid, That if any China Earthen Ware ſold, after the Paſſing of this Act, at the Sale of the ſaid United Company, ſhall be entered for Exportation to any Part of *America* as China Earthen Ware that had been ſold at the Sale of the ſaid Company before that Time; or, if any China Earthen Ware ſhall be entered for Exportation to any Parts beyond the Seas, other than to ſome Part of *America*, in order to obtain any Drawback thereon, and the ſaid China Earthen Ware ſhall nevertheleſs be carried to any Part of *America*, and landed there, contrary to the true Intent and Meaning of this Act; that then, in each and every ſuch Caſe, the Drawback ſhall be forfeited; and the Merchant or other Perſon making ſuch Entry, and the Maſter or Perſon taking the Charge of the Ship or Veſſel on Board which the ſaid Goods ſhall be loaden for Exportation, ſhall forfeit Double the Amount of the Drawback paid, or to be paid, for the ſame, and alſo Treble the Value of the ſaid Goods; One Moiety to and for the Uſe of His Majeſty, His Heirs, and Succeſſors; and the other Moiety to ſuch Officer of the Cuſtoms as ſhall ſue for the ſame; to be proſecuted, ſued for, and recovered, in ſuch Manner and Form, and by the ſame Rules and Regulations, as other Penalties inflicted for Offences againſt the Laws relating to the Cuſtoms may be proſecuted, ſued for, and recovered, by any Act or Acts of Parliament now in Force.

Entry and Report to be made of all Veſſels on their Arrival in any of the *Britiſh* Colonies in *America* before they proceed to the Place of unlading.

And for the more effectual preventing the clandeſtine Running of Goods in the *Britiſh* Dominions in *America*, be it further enacted by the Authority aforeſaid, That from and after the ſaid Twentieth Day of *November*, One thouſand ſeven hundred and ſixty-ſeven, the Maſter or other Perſon having or taking the Charge or Command of every Ship or Veſſel arriving in any *Britiſh* Colony or Plantation in *America* ſhall, before he proceeds with his Veſſel to the Place of unlading, come directly to the Cuſtom Houſe for the Port or Diſtrict where he arrives, and make a juſt and true Entry, upon Oath, before the Collector and Comptroller, or other Principal Officer of the Cuſtoms there, of the Burthen, Contents, and Lading, of ſuch Ship or Veſſel, with the particular Marks, Numbers, Qualities, and Contents, of every Parcel of Goods therein laden, to the beſt of his Knowledge; alſo where and in what Port ſhe took in her Lading; of what Country Built; how manned; who was Maſter during the Voyage, and who are Owners thereof; and whether any, and what Goods, during the Courſe of ſuch Voyage, had or had not been diſcharged out of ſuch Ship or Veſſel, and where: And the Maſter or other Perſon having or taking the Charge or Command of every Ship or Veſſel,

going

going out from any *Britiſh* Colony or Plantation in *America*, before he ſhall take in, or ſuffer to be taken into or laden on Board any ſuch Ship or Veſſel, any Goods, Wares, or Merchandizes, to be exported, ſhall, in like Manner, enter and report Outwards ſuch Ship or Veſſel, with her Name and Burthen, of what Country Built, and how manned, with the Names of the Maſter and Owners thereof, and to what Port or Place he intends to paſs or ſail: And before he ſhall depart with ſuch Ship or Veſſel out of any ſuch Colony or Plantation, he ſhall alſo bring and deliver unto the Collector and Comptroller, or other Principal Officer of the Cuſtoms at the Port or Place where he ſhall lade, a Content in Writing, under his Hand, of the Name of every Merchant, or other Perſon who ſhall have laden, or put on Board any ſuch Ship or Veſſel, any Goods or Merchandize, together with the Marks and Numbers of ſuch Goods or Merchandize: And ſuch Maſter or Perſon having or taking the Charge or Command of every ſuch Ship or Veſſel, either coming into, or going out of, any *Britiſh* Colony or Plantation as aforeſaid, whether ſuch Ship or Veſſel ſhall be laden or in Ballaſt, or otherwiſe, ſhall likewiſe publickly, in the open Cuſtom Houſe, to the beſt of his Knowledge, anſwer upon Oath to ſuch Queſtions as ſhall be demanded of him by the Collector and Comptroller, or other Principal Officer of the Cuſtoms for ſuch Port or Place, concerning ſuch Ship or Veſſel, and the Deſtination of her Voyage, or concerning any Goods or Merchandize that ſhall or may be laden on Board her, upon Forfeiture of One hundred Pounds Sterling Money of *Great Britain*, for each and every Default or Neglect; to be ſued for, proſecuted, recovered, and divided, in the ſame Manner and Form, by the ſame Rules and Regulations in all Reſpects, as other pecuniary Penalties, for Offences againſt the Laws relating to the Cuſtoms or Trade of His Majeſty's Colonies in *America*, may, by any Act or Acts of Parliament now in Force, be proſecuted, ſued for, recovered, and divided.

Entry alſo and Report to be made Outwards, before any Part of the Lading ſhall be taken in.

and a Content to be delivered before ſailing.

Maſter alſo of every Veſſel coming into, or going out of, any *Britiſh* Colony, to anſwer upon Oath to the Queſtions demanded of him at the Cuſtom Houſe by the Collector, *&c.* of the Port, on Penalty of 100 *l.*

And whereas by an Act of Parliament made in the Fourteenth Year of the Reign of King *Charles* the Second, intituled, *An Act for preventing Frauds, and regulating Abuſes, in His Majeſty's Cuſtoms*, and ſeveral other Acts now in Force, it is lawful for any Officer of His Majeſty's Cuſtoms, authorized by Writ of Aſſiſtants under the Seal of His Majeſty's Court of Exchequer, to take a Conſtable, Headborough, or other Public Officer inhabiting near unto the Place, and in the Day-time to enter and go into any Houſe, Shop, Cellar, Warehouſe, or Room or other Place, and, in caſe of Reſiſtance, to break open Doors, Cheſts, Trunks, and other Package there, to ſeize, and from thence to bring, any kind of Goods or Merchandize whatſoever prohibited or uncuſtomed, and to put and ſecure the ſame in His Majeſty's Store-houſe next to the Place where ſuch Seizure ſhall be made: And whereas by an Act made in the Seventh and Eighth Years of the Reign of King *William* the Third, intituled, *An Act for preventing Frauds, and regulating Abuſes, in the Plantation Trade*, it is, amongſt other Things, enacted, that the Officers for collecting and managing His Majeſty's Revenue, and inſpecting the Plantation Trade, in *America*, ſhall have the ſame Powers and Authorities to enter Houſes or Warehouſes, to ſearch for and ſeize Goods prohibited to be imported or exported into or out of any of the ſaid Plantations, or for which any Duties are payable, or ought to have been paid; and that the like Aſſiſtance ſhall be given to the ſaid Officers in the Execution of their

Clauſes in Act 14 *Car.* II.

Act 7 & 8 *Will.* III.

Office, as, by the ſaid recited Act of the Fourteenth Year of King *Charles* the Second, is provided for the Officers in *England*: But, no Authority being expreſsly given by the ſaid Act, made in the Seventh and Eighth Years of the Reign of King *William* the Third, to any particular Court to grant ſuch Writs of Aſſiſtants for the Officers of the Cuſtoms in the ſaid Plantations, it is doubted whether ſuch Officers can legally enter Houſes and other Places on Land, to ſearch for and ſeize Goods, in the Manner directed by the ſaid recited Acts: To obviate which Doubts for the future, and in order to carry the Intention of the ſaid recited Acts into effectual Execution, be it enacted, and it is hereby enacted by the Authority aforeſaid, That from and after the ſaid Twentieth Day of *November*, One Thouſand ſeven hundred and ſixty ſeven, ſuch Writs of Aſſiſtants, to authorize and impower the Officers of His Majeſty's Cuſtoms to enter and go into any Houſe, Warehouſe, Shop, Cellar, or other Place, in the *Britiſh* Colonies or Plantations in *America*, to ſearch for and ſeize prohibited or uncuſtomed Goods, in the Manner directed by the ſaid recited Acts, ſhall and may be granted by the ſaid Superior or Supreme Court of Juſtice having Juriſdiction within ſuch Colony or Plantation reſpectively.

Writs of Aſſiſtants, purſuant to the recited Acts, to be granted by the Supreme Court of Juſtice having Juriſdiction in the Colony.

And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced, either in *Great Britain* or *America*, againſt any Perſon or Perſons for any Thing done in purſuance of this Act, the Defendant or Defendants in ſuch Action or Suit may plead the General Iſſue, and give this Act, and the ſpecial Matter, in Evidence at any Trial to be had thereupon; and that the ſame was done in purſuance and by the Authority of this Act: And if it ſhall appear ſo to have been done, the Jury ſhall find for the Defendant, or Defendants: And if the Plaintiff ſhall be nonſuited, or diſcontinue his Action after the Defendant or Defendants ſhall have appeared, or if Judgment ſhall be given upon any Verdict or Demurrer againſt the Plaintiff; the Defendant or Defendants ſhall recover Treble Coſts, and have the like Remedy for the ſame as Defendants have in other Caſes by Law.

General Iſſue

Treble Coſts.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of the Province of *Maſſachuſets Bay*, in *New-England*, begun and held at *Boſton*, the Twenty-ſeventh Day of *May* 1767, and continued by ſeveral Prorogations to Wedneſday the 30th of *December* following, and then met.

## CHAP. V.

An Act for annexing that Part of the Town of *Shrewſbury*, called the Leg, to the Town of *Lancaſter.*

Preamble.

*WHEREAS it has been repreſented to this Court, that the Part of* Shrewſbury *in the County of* Worceſter, *called the Leg, in many Reſpects will be more accommodated to be ſet off from the ſaid Town of* Shrewſbury, *and annexed to the Town of* Lancaſter *in ſaid County:*

*Shrewſbury*-Leg annexed to *Lancaſter.*

*Be it enacted by the Governor, Council, and Houſe of Repreſentatives*, That the Part of *Shrewſbury*, called the Leg, with the Inhabitants thereof, bounded Southerly on *Quinepoxit* River, Weſterly on the Town of *Holden*, Northerly on *Princetown*, and Eaſterly on Still-water River, be, and hereby are ſet off from the ſaid Town of *Shrewſbury*, and annexed to the Town of *Lancaſter*, in the ſaid County of *Worceſter*, and to the ſecond Pariſh in ſaid Town of *Lancaſter*, there to do Duties and receive Privileges as other of their Inhabitants.

Inhabitants to pay Taxes already granted to be raiſed on *Shrewſbury.*

*And be further enacted*, That the Inhabitants of the Part of *Shrewſbury* called the Leg aforeſaid, ſhall pay the Proportion of all ſuch Province, County, Town, and Precinct Taxes already granted to be raiſed on the Town of *Shrewſbury* aforeſaid.

## CHAP. VI.

## An Act for building and maintaining a Light-Houſe on the Eaſt End of the Gurnet, at the Entrance of the Harbour of *Plymouth*.

Preamble.

*WHEREAS the South-Shore, ſo called, from Point* Alderton *to* Cape-Cod *is very dangerous, by Reaſon of many Rocks and Shoals at a Diſtance from the Land, and there being no ſafe Harbour all along that Coaſt, but that of* Plymouth; *and it being generally thought that a Light-Houſe erected on the Eaſt-End of the Gurnet would be very ſerviceable to the Navigation and Commerce of this Province, and be a Means of preſerving the Lives and Eſtates of a great Number of His Majeſty's Subjects, by directing the Diſtreſſed in ſtormy and tempeſtuous Weather into the aforeſaid Harbour:*

A Light-houſe ordered to be erected on the Eaſt-End of the Gurnet.

*Therefore be it enacted by the Governor, Council and Houſe of Repreſentatives*, That there be a Light-Houſe erected at the Charge of the Province on the Eaſt-End of the Gurnet, to be kept lighted from Sun-ſetting to Sun-riſing: That from and after the Building of the ſaid Light-Houſe and kindling a Light in it uſeful for Shipping coming into or going out of the Harbour of *Plymouth*, or other Harbour within the *Maſſachuſets-Bay*, there ſhall be paid to the Receiver of Impoſt by the Maſters of all Ships and Veſſels going in or belongingto the Port of *Plymouth* (Coaſters excepted) which have hitherto been exempted from paying Light-Money by the General Court, the like Duty or Light-Money as is paid by every other Ship or Veſſel coming in or going out of the Harbour of *Boſton*, agreeable to an Act of this Province paſſed in the firſt Year of King GEORGE the Firſt, entitled, An Act for building and maintaining a Light-Houſe upon the Great-Brewſter (called *Bacon*-Iſland) at the Entrance of the Harbour of *Boſton*.

Inhabitants of *Plymouth* &c. to pay Light-Money.

Impoſt Officer to receive the Light Money.

*And be it enacted*, That the Commiſſioner or Receiver of Impoſt be and hereby is impowered by himſelf or his Deputy by him appointed, to receive the ſaid Duties, and to recover the ſame and give a Certificate therefor in the ſame Way and Manner as by the afore-recited Act is provided.

*Plymouth* Veſſels not to be cleared without a Certificate of Payment.

*And be it further enacted*, That no Ship or Veſſel belonging to the Port of *Plymouth* (Coaſters excepted) ſhall be cleared by the Naval-Officer until a Certificate be produced that the Duty of the Light-Houſe be paid; and the Ship or Veſſel with the Maſter, ſhall ſtand charged with the Duty thereof till paid to the Commiſſioner of Impoſt.

Keeper of the Light-Houſe to obſerve Rules, on Penalty.

*And be it further enacted*, That the Perſon appointed by this Court to keep the ſaid Light-Houſe, ſhall be under the ſame Rules and Directions with reſpect to his Duty, and alſo under the ſame Penalty for neglecting the ſame, and the Fines ſhall be recovered in the ſame Way and Manner as in and by the afore-recited Act is provided.

Committee to build.

*And be it further enacted*, That a Committee of this Court be appointed to build the ſaid Light-Houſe, of ſuch Dimenſions and in ſuch Manner as they may be directed by the ſaid Court.

CHAP.

## CHAP. VII.

## An Act to impower Commiſſaries to ſettle a Line of Juriſdiction between this Province and the Province of *New-York*.

*WHEREAS a Controverſy has long ſubſiſted between this Province and the Province of* New-York, *concerning their Boundaries, and the Extent of their Juriſdiction, to the great Detriment of both; and the Conteſts ariſing therefrom have been attended with great Confuſion and Diſorders, and are likely to be productive of further moſt miſchievous Conſequences: To prevent which, and to remove the Cauſe of future Diſputes, it appears neceſſary that a Line of Juriſdiction between this Province and the Province of* New-York *ſhould be ſettled by the mutual Conſent and Authority of the Legiſlatures of both Governments, agreeable to His Majeſty's moſt gracious Deſigns and Permiſſion, ſignified by the Right Honorable the Earl of* Shelburne: *And whereas great Doubts aroſe in the Minds of the Commiſſaries of* New-York *on the Conference at* New-Haven, *whether the Commiſſaries on the Part of this Province were ſufficiently authorized, by a Reſolve of the Court only, to treat with the Commiſſaries on the Part of* New-York, *and ſettle the Line of Juriſdiction between the ſaid Provinces: For the Removal of ſuch Doubts, and to the Intent that His Majeſty's gracious Recommendation of an amicable Settlement may if poſſible be complied with;* Preamble.

*Be it enacted by the Governor, Council, and Houſe of Repreſentatives,* That the Honorable *Thomas Hutchinſon*, Eſq; Lieutenant-Governor of this Province, the Honorable *William Brattle*, Eſq; and *Edward Sheaffe*, Eſq; ſhall be Commiſſaries on the Part of this Province, who ſhall have, or the major Part of them ſhall have, and hereby are declared to have full Power and Authority to agree with the Commiſſaries appointed on the Part of *New-York*, on a Line to be run for a Line of Juriſdiction between the two Provinces, to which Line of Juriſdiction this Province ſhall extend; and after ſuch a Line is agreed upon and determined by the Commiſſaries on both Sides, or the major Part of them for each Government, the Commiſſaries appointed by this Act are hereby impowered and authorized to employ ſuch Surveyor or Surveyors, Chain-bearers, and ſuch and ſo many other Perſons as may be found neceſſary to perform the executive Part, to run, mark and aſcertain the ſaid Line in Conjunction with ſuch as may be appointed for that Purpoſe on the Part of the Province of *New-York*. And the Settlement of the Line aforeſaid, by the Commiſſaries aforeſaid, ſhall, after His Majeſty's Confirmation thereof, be and remain the Line of Juriſdiction between the ſaid Provinces.

Commiſſaries impowered to agree on a Line of Juriſdiction.

Which Line ſhall remain ſuch, after receiving the Royal Sanction.

CHAP.

## CHAP. VIII.

An Act to enable the Proprietors of three ſeveral Townſhips granted *June*, One thouſand ſeven hundred and ſixty five, *viz.* one Townſhip granted to *Benjamin Mullakin*, Eſq; and others, in Lieu of a Townſhip called *Rowley-Canada*, one other Townſhip granted to *William Raymond* and others, in Lieu of a Townſhip called *Hales*-Town, and one other Townſhip granted to *Samuel Gerriſh*, Eſq; and others, in Lieu of a Townſhip called *Bakers*-Town, to make Sale of ſo much of the delinquent Proprietors Rights granted to ſaid *Mullakin*, *Raymond*, *Gerriſh*, and others, as is neceſſary to defrey the Charges of ſaid Townſhips.

Aſſeſſors impowered to ſell Lands of delinquent Proprietors,

*BE it enacted by the Governor, Council, and Honſe of Repreſentatives*, That if the Aſſeſſors choſen by the Proprietors of either of the aforementioned Townſhips granted in *June*, One thouſand ſeven hundred and ſixty-five, for the defreying the public Charges that have ariſen or hereafter may ariſe to either of ſaid Townſhips, or for defreying the Charges that have ariſen on either of the aforementioned Townſhips formerly granted to ſaid Proprietors reſpectively, have or hereafter ſhall levy or aſſeſs a Tax on the Land of ſaid Proprietors, agreeable to the Votes of ſaid Proprietors; and ſuch Proprietors ſhall neglect or delay to pay to the Collector or Collectors the Sums ſo aſſeſſed for ſixty Days after ſuch Aſſeſsment is made and publiſhed; then and in that Caſe it ſhall and may be lawful for the Aſſeſſors or a Committe, at a Public Vendue, to ſell ſo much and no more of the delinquent Proprietors Lands as they ſhall judge neceſſary to pay and ſatisfy ſuch Rates and Taxes, and other neceſſary and intervening Charges, and execute abſolute Deeds in the Law for the Conveyance of ſuch Lands of the Proprietors to the Perſon or Perſons who ſhall give moſt for the ſame, which Deed ſhall be good to all Intents and Purpoſes in the Law for conveying ſuch Eſtates to the Grantees, their Heirs and Aſſigns forever.

To execute Deeds.

Public Notice to be given of ſuch Sale.

*Provided*, That publick Notice of ſuch Sale be given in two or more of the *Boſton* News-Papers three Weeks ſucceſſively, for three Months at leaſt before ſaid Lands be ſold: Reſerving to ſaid Proprietors within this Province, their Heirs or Aſſigns, Liberty for Redemption of their Lands ſo ſold, they paying to the Grantees or their Heirs reſpectively, within one Year afterwards, the Sums for which the ſaid Lands were ſold with double Damages, until the ſame be redeemed; reſerving alſo to ſuch non reſident Proprietors as are not Inhabitants of this Province, their Heirs or Aſſigns, Liberty for Redemption of their Lands ſo ſold, they paying to the Grantees or their Heirs reſpectively, within two Years afterwards, the Sums for which the ſaid Lands were ſold, with double Damages, until the ſame be redeemed.

Liberty of Redemption.

## CHAP. IX.

### An Act to enable the Proprietors and Purchasers and in the Town of *Dartmouth*, in the County of *Bristol*, to raise Monies and levy Taxes, and to sue and defend in certain Cases.

Preamble.

*WHEREAS the Records of the Proprietors of the said Town of* Dartmouth, *in the Year One thousand seven hundred and twenty-five, were burnt with the Dwelling-House of their Proprietors-Clerk, so that great Difficulties have since arisen, not only to the said Proprietors, but to those Persons that purchased of the Proprietors; more especially in Cases where the said Proprietors are obliged to sue or defend any Action or Actions that have been or may be brought against them, by Reason that it is impracticable to distinguish at this Time the Original Proprietors from the Purchasers, as they are called:-*

Proprietors & Purchasers of *Dartmouth* impowered to sue & defend.

*Be it enacted by the Governor, Council, and House of Representatives*, That for the future the Proprietors and Purchasers of the Town of *Dartmouth*, be and are hereby impowered to sue and defend in all real Actions, by the Name of the Proprietors and Purchasers of the Town of *Dartmouth*, as fully to all Intents and Purposes as Proprietors are by Law impowered to do.

Their Meetings heretofore held, confirmed.

*And be it further enacted*, That all Meetings held in said Town of *Dartmouth*, heretofore by the Name of Proprietors and Purchasers Meetings, and their Proceedings thereon, be and hereby are confirmed to all Intents and Purposes whatever as fully as if said Meetings had been called by the Proprietors of said *Dartmouth* only; and all Votes and Orders for raising Monies at any such Meetings, are hereby confirmed and made valid to all Intents and Purposes whatever.

impowered jointly to call Meetings.

*And be it further enacted*, That for the future the Proprietors and Purchasers of said *Dartmouth*, are hereby impowered jointly to call Meetings, to raise Monies for the necessary Uses of said Proprietors and Purchasers, in as full and ample Manner as is directed in an Act of this Province made in the thirteenth Year of the Reign of his late Majesty King GEORGE the First, intitled, An Act in Addition to an Act intitled, An Act to enable Towns, Villages, and Proprietors in common and undivided Lands, &c. to sue and be sued, made in the Sixth Year of the Reign of King WILLIAM and Queen MARY.

## CHAP. X.

An Act for erecting a Tract of Land of Eight Miles square called *Phillipstown*, joining upon the North-west End of the Town of *Wells*, in the County of *York*, into a Town by the Name of *Sanford*.

Preamble

*WHEREAS the Erecting of that Tract of Land called* Phillipstown *into a Town, will greatly contribute to the Growth thereof, and remedy many Inconveniences to which the Inhabitants and Proprietors may be otherwise subject:*

Bounds of the Town of *Sanford*.

*Be it enacted by the Governor, Council, and House of Representatives*, That the Tract aforesaid, bounded as followeth, *viz.* lying on the Northwest End of the Town of *Wells*, West of *Kennebunk* River, East of the Town of *Berwick*, and North by Province Grants in part, and in part by unappropriated Lands, be, and hereby is erected into a Town by the Name of *Sanford*; and that the Inhabitants thereof be and hereby are invested with all Powers, Privileges, and Immunities which the Inhabitants of the Towns within this Province do enjoy.

*Benja. Chadburne* Esq; to call a Meeting of the Inhabitants.

*And be it further enacted*, That *Benjamin Chadburne*, Esq; be and hereby is impowered to issue his Warrant directed to some principal Inhabitant of said Town requiring him to warn the Inhabitants of said Town who have an Estate of Freehold according to Charter, to meet at such Time and Place as shall be therein set forth, to chuse all such Officers as are or shall be required by Law to manage the Affairs of said Town.

The foregoing Acts were published *March* 5. 1768.

*BOSTON; NEW-ENGLAND,*

Printed by RICHARD DRAPER, and GREEN & RUSSELL, Printers to the Government, 1768.

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of the Province of *Maſſachuſets-Bay*, in *New-England*, begun and held at *Boſton*, the Twenty-fifth Day of *May*, 1768.

## CHAP. I.

An Act for building and maintaining a Bridge over the Great-River in *Weſtfield*, in the County of *Hampſhire*.

*Preamble.*

*WHEREAS a Bridge over the Great-River in* Weſtfield, *in the County of* Hampſhire, *at or near the common fording Place near the Dwelling-Houſe of* William Day, *upon the Great-Road from* Springfield *to* Weſtfield, *is neceſſary as well for the Inhabitants of the other Towns in ſaid County as of the ſaid Town of* Weſtfield; *and the Building and Maintaining a Bridge there would be a Burthen too great for the Town of* Weſtfield, *conſidering the Charges they have already laid out and muſt expend in building and maintaining many other Bridges in ſaid Town:*

Court of General Seſſions impowered to build & maintain a Bridge at *Weſtfield*,

*Be it enacted by the Governor, Council and Houſe of Repreſentatives*, That the Court of General Seſſions of the Peace in and for the ſaid County of *Hampſhire*, be and hereby are authorized and impowered to build and maintain a Cart-Bridge ſixteen Feet wide acroſs the Great River in ſaid *Weſtfield*, at or near the fording Place near the Dwelling-Houſe of *William Day*, upon the Great Road from *Springfield* to *Weſtfield*, at the Charge of the ſaid County of *Hampſhire*: And the ſaid Court of General Seſſions of the Peace for ſaid County are hereby impowered from Time to Time to aſſeſs and tax the Inhabitants of the ſeveral Towns and Diſtricts in ſaid County, in ſuch Sum and Sums of Money as the ſaid Court ſhall agree upon and order for the building, maintaining and repairing the Bridge aforeſaid; which Sum or Sums ſo ordered at any Time to be raiſed for the Purpoſe aforeſaid, ſhall be added to each Town and Diſtrict's County Tax, in Proportion as they ſeverally pay to the Province Tax for the Time being, and be paid into and drawn out of the County Treaſury for the Uſes and Purpoſes aforeſaid.

and ſo Tax the ſeveral Towns in the County for the ſame.

## CHAP. II.

## An Act to prevent a Failure of Juſtice by Means of Offenders in any of His Majeſty's Colonies on this Continent eſcaping into this Province or from one County in this Province into another, to avoid the Puniſhments of their Offences.

*Preamble.*

*WHEREAS it often happens that Perſons who have committed criminal Offences in other of his Majeſty's Colonies before they can be apprehended flee into this Province, and by that means through the difficulty and delay that muſt generally attend a legal Arreſt of ſuch Offenders, and ſending them back for a proper Tryal, do eſcape the Puniſhment their Offences juſtly deſerves: For preventing whereof and to render the Proceedings in ſuch Caſes more eaſy, legal, and expeditious for the future:*

Juſtices of the Peace impowered to iſſue their Warrants againſt Offenders eſcaping from other Colonies

*Be it enacted by the Governor, Council, and Houſe of Repreſentatives,* That when and ſo often as any Criminal Offender or Offenders in any other of his Majeſty's Colonies ſhall make his or their Eſcape from Juſtice, and come into this Province, and any proper Proceſs ſhall iſſue againſt ſuch Perſon or Perſons where he or they committed ſuch Offence, and he or they ſhall be purſued and followed into this Province, it ſhall be in the Power of any of his Majeſty's Juſtices of the Peace within this Province in their reſpective Counties, on Application to them made, to iſſue their Warrant againſt ſuch Offender or Offenders, that they may be brought before them, or ſome other of his Majeſty's Juſtices of the Peace for ſaid County, to be examined thereon; and if they ſhall think proper on ſuch Examination, they may and hereby are impowered to commit, or by Warrant under their Hands and Seals, directed to the Sheriff or his Deputy, or the Conſtables of the ſeveral Towns, as may be neceſſary to ſend and convey ſuch Offender or Offenders to the Confines of ſuch Colony from whence they have eſcaped, and there to deliver ſuch Offender to ſome proper Officer in ſuch Colony, that they may be holden to Anſwer for ſuch Offence according to Law there: And, where it ſhall be neceſſary, ſuch Offender be conveyed through ſeveral Counties in this Province, in order for his being returned to the Colony where he offended as aforeſaid: Every of his Majeſty's Juſtices of the Peace in their ſeveral and reſpective Counties ſhall be, and they are hereby impowered by Warrant as aforeſaid, to order and direct the Conveyance of ſuch Offender through their ſeveral Counties towards the Place where he offended.

may commit or convey ſuch Offenders to the Confines of another Colony.

*Preamble.*

*And for the furtherance of Juſtice in the moſt eaſy and expeditious Manner, where ſuch Offenders in any one County in this Province ſhall eſcape into any other County in the ſame:*

a Juſtice of Peace may act in the ſame Manner with reſpect to Offenders eſcaping from another County.

*Be it further enacted,* That when and ſo often as any Juſtice of the Peace in any County within this Province on Complaint to him made, ſhall iſſue his Warrant againſt any criminal Offender for any Offence committed in ſuch County, and the ſaid Offender ſhall have eſcaped into any other County, it ſhall be in the Power of any Juſtice of the Peace in ſuch County where ſuch Offender is, to proceed in the ſame Method in apprehending ſuch Offender, and ſending him back for Tryal to the County from whence he came, as in the Caſe aforeſaid, where the Offender ſhall have come from another Colony.

CHAP.

## CHAP. III.

An Act to enable the Inhabitants of *Lenox* in the County of *Berkſhire*, with other Proprietors of Lands there, to raiſe Taxes on the Lands there, for bringing forward the Settlement of the ſaid Lands, and for other public Purpoſes for the Benefit of ſaid Diſtrict; and alſo to inforce the Payment of ſuch Taxes as have been granted by the Inhabitants of *Richmont* in ſaid County, and are not collected.

*Preamble.*

*WHEREAS by one Law of this Province, made and paſſed in the fourth Year of his preſent Majeſty's Reign, intitled,* An Act to enable the Proprietors of the Plantation called *Yokum-Town*, and *Mount-Ephraim*, in the County of *Berkſhire*, to grant Taxes on their Lands, and bring forward the Settlement of ſaid Plantation, *it is enacted*, That the Purchaſers of ſaid Plantation of *Yokum-Town* and of *Mount-Ephraim* ſhall be, and accordingly are incorporated into one diſtinct Propriety, and are veſted with the ſame Powers and Privileges as by the Laws of this Province Proprietors in common are veſted with, ſo far as is neceſſary for the calling Meetings, granting Taxes upon the Lands of the ſaid Purchaſers in ſaid Plantation, aſſeſſing, collecting and diſpoſing of the Monies ſo raiſed, laying out, making and repairing neceſſary Ways, and for the carrying forward the Settlement of the ſaid Plantation agreeable to the Order of the General Court.

*AND WHEREAS afterwards the ſaid new Plantation was, by another Law of this Province, incorporated into a Town by the Name of* Richmont; *and by the ſame Law it was provided and enacted*, That all Taxes to be raiſed within ſaid Town for the ſettling a Miniſter, building a Meeting-Houſe, or Meeting-Houſes laying out, making or repairing Roads, be levied upon the ſeveral Proprietors of ſaid Plantation, according to their Intereſt agreeable to the Act firſt aforeſaid, until the further Order of the General Court: *And whereas ſundry Taxes have been agreed upon and aſſeſſed agreeable to the Act aforeſaid, and for the Purpoſes aforeſaid, on the Proprietors of Lands in ſaid* Richmont; *part of which remains uncollected, and the ſame cannot be collected without the further Aid of the General Court*:

Lands in *Richmont*, ſubject to Taxes as in new Plantations.

*Be it therefore enacted by the Governor, Council and Houſe of Repreſentatives*, That the Lands in ſaid *Richmont* of the ſeveral Proprietors there aſſeſſed as aforeſaid, who have not paid their reſpective Proportion of ſuch Aſſeſſments, ſhall be ſubject to the Payment thereof, and to Sale therefor, by the Aſſeſſors there who made ſuch Aſſeſſments, in the ſame Manner as the Lands of Proprietors in new Plantations were liable to be ſold, by virtue of an Act made in the ſecond Year of his preſent Majeſty's Reign, intitled, *An Act to ſubject the unimproved Lands within this Province to be ſold for the Payment of Taxes aſſeſſed on them, by Order of the great and General Court, and Votes and Agreements of the Proprietors thereof; and to enable Proprietors to levy Province and County Taxes laid on them.*

*AND*

*Preamble.* *And whereas since the making such Assessments as aforesaid, the Easterly Part of said* Richmont *hath by one Law of this Province, made in the seventh Year of his present Majesty's Reign, been incorporated into a District by the Name of* Lenox ; *and from the Consideration of the peculiar Circumstances of the said District, it appears reasonable and necessary that for the present the Taxes that may be raised there for settling a Minister, building a Meeting-House, laying out, making and repairing Highways, be levied upon the several Proprietors of said District, according to their Interest in the Lands there :*

Taxes in *Lenox* to be assessed on Proprietors according to their Interest.

*Be it therefore enacted,* That all Taxes that shall be voted and agreed upon in the said District, for settling a Minister, building a Meeting-House, laying out, making or repairing Highways, shall be assessed upon the several Proprietors of those Lands, according to their Interest in the Lands there, until this Court shall otherwise order; and that the several Proprietors of Lands in said District, whether resident in said District or not, shall have equal Right according to their Interest therein, to vote in the granting and raising such Taxes, and that the same shall be granted at Meetings of the said Proprietors, to be called agreeable to the Directions of an Act of this Province, made in the twelfth Year of the Reign of her late Majesty Queen Anne, intitled, *An Act directing how Meetings of Proprietors of Lands lying in common may be called:* And that in Case any such Proprietor shall neglect or refuse to pay his Proportion of any such Tax, so set on him as aforesaid, the same shall be levied by the Sale of his Lands there, by the Assessors according to the Directions, and in such Manner as is prescribed in the Act aforesaid, made in the second Year of his present Majesty's Reign : And that all Sales of such delinquent Proprietors Lands for such Taxes, agreeable to the Rules in said Act prescribed, shall be good and valid to all Intents and Purposes whatsoever.

Non-resident Proprietors allowed to vote in granting Taxes.

Lands to be sold in case of neglect to pay such Taxes.

## CHAP. IV.

## An Act in addition to an Act, intitled, An Act for erecting the new Plantation called *Hunt's-Town*, in the County of *Hampshire*, into a Town by the name of *Ashfield*.

*Preamble.* *WHEREAS by the Act, intitled, an Act for erecting the new Plantation called* Hunt's-Town *in the County of* Hampshire, *into a Town by the name of* Ashfield, *it is among other Things enacted, That all Taxes already raised for settling a Minister, or that may be raised for his Support, for building a Meeting-House, clearing and repairing Roads, be levied on the several Proprietors of said Plantation according to their Interests, until the further Order of this Court: And that said Inhabitants and Proprietors of said Town proceed by the same Rules in levying and collecting said Taxes as Proprietors in new Plantations are obliged by Law to observe. Which Paragraph in said Act is in several Respects insufficient for the Purpose for which it was designed; and some Provision is absolutely necessary to enable the Proprietors of the Lands in said Town to levy and collect the Monies by them already granted for the Purposes aforesaid; and to enable them to grant, assess, levy and collect such further Taxes and Assessments as may be necessary for the same Purposes :*

*Be*

*Be it therefore enacted by the Governor, Council, and House of Representatives*, That the Proprietors of the Lands in said Town of *Ashfield*, divided or undivided, be, and they are hereby impowered at any Meeting or Meetings of said Proprietors, warned and called agreeable to the Directions of one Law of this Province made in the Twelfth Year of the Reign of her late Majesty Queen ANNE, intitled, "An Act directing how Meetings of Proprietors of Lands lying in common and undivided may be called," by a major Vote of said Proprietors, to be collected according to their Interest in the same Lands, to make Choice of a Clerk, Treasurer, and Assessors, and any other Officers that Proprietors of common and undivided Lands may chuse: And also may agree upon the raising, assessing, levying and collecting all such Sums of Money as they shall judge necessary, to compleat the Building and finishing of their Meeting-House, and the Settlement and Support of their Minister, and for the laying out, making, clearing and repairing of public and private Ways there, until this Court shall otherwise order: And that the Monies so granted shall be assessed upon the Lands of each original Right in the said Town that are already laid out, or agreed to be laid out, being Two hundred and fifty Acres to each Right; and that every Part of the said Two hundred and fifty Acres, in whose Hands soever the same may be, shall be and hereby is subjected to the Payment of its proportionable Part of such Monies, so granted for the Purposes aforesaid.

Proprietors of Lands in *Ashfield* to choose Officers,

and agree upon raising Money

on the 250 Acre Rights.

*AND WHEREAS before the Act of Incorporation aforesaid, a Tax of Forty Shillings on each original Right was agreed upon and assessed by said Proprietors, which is but partly collected; and since the said Act of Incorporation another Tax of Twenty Shillings on each original Right there, has been agreed upon and assessed, and no Part thereof collected: Both which Taxes were by said Proprietors agreed upon and appropriated to the Purposes aforesaid only:*

Preamble.

*Be it enacted*, That what remains unpaid of the said two Taxes, and all future Taxes that may be agreed upon and made agreeable to the foregoing Provisions in this Act, shall and may be levied of the said Two hundred and fifty Acres already laid out or voted and agreed to be laid out by said Proprietors; and every Part of the said Two hundred and fifty Acres, in whose Hands the same may be, shall be liable to the Payment of a proportionable Part thereof: And that if any Proprietor of any such Lands as aforesaid shall neglect or refuse to pay his Proportion of any such Taxes heretofore duly assessed, or hereafter to be assessed, agreeable to this Act; the Assessors of such Taxes are hereby impowered to make Sale of such delinquent Proprietor's Land there, for the Payment thereof, in the same Manner as hath heretofore been provided in an Act or Law of this Province, made in the Second Year of his present Majesty's Reign, intitled, "An Act to subject the unimproved Lands within this Province to be sold for Payment of Taxes assessed on them by Order of the Great and General Court, and Votes and Agreements of the Proprietors thereof, and to enable Proprietors of new Plantations to levy Province and County Taxes laid on them."

The 250 Acre Rights subjected to the Payment of Taxes

otherwise the Lands may be sold.

## CHAP. IV.

## An Act for Incorporating the North-westerly Part of *Deerfield*, in the County of *Hampshire*, into a District by the Name of *Shelburne*.

Preamble.

*WHEREAS it appears to this Court that the Incorporating the North-westerly Part of the Town of* Deerfield, *in the County of* Hampshire *into a separate District, would relieve the Inhabitants already settled there from many Difficulties they now labour under, and tend greatly to encourage others to settle thereon:*

Bounds of the District of *Shelburne*.

*Be it therefore enacted by the Governor, Council, and House of Representatives*, That the North-westerly Part of the said Town of *Deerfield*, bounded as follows, viz. Beginning at the North-westerly Corner of the District of *Greenfield*, from thence Southerly upon the West Line of the said *Greenfield* to the South Line of said *Greenfield*, thence East upon the said South Line of said *Greenfield*, until it come to a Line in said *Deerfield*, called the Seven Mile Line, thence Southerly upon the said Seven Mile Line to the South Side of the Lot on which *John Taylor* now lives, thence Westerly upon the South Line of said Lot to the West-end of the said Lot, thence Southerly upon a Line parrallel with the said Seven Mile Line until it comes to the South-side of the third Lot from the said *Taylor*'s Lot, thence upon a Line extended Westerly the same Point of Compass with the said South Line of the said third Lot from the said *Taylor*'s Lot, until it meets with the North Line of *Conway*, thence upon the said North Line of the said *Conway* to the North west Corner thereof, thence upon the West or West'ly Line of the said Town of *Deerfield* to the North-west Corner of said *Deerfield*, thence upon the North Line of the said *Deerfield* to the first mentioned Bounds, be, and hereby is erected into a District by the Name of *Shelburne*; and that the Inhabitants thereof be vested with all the Powers, Priviledges, and Immunities which the Inhabitants of the Towns within this Province do enjoy, excepting only the Privilege of sending a Representative to the General Assembly; and that the Inhabitants of the said District shall have Liberty from Time to Time to join with the said Town of *Deerfield* in the Choice of a Representative or Representatives, which Representative or Representatives may be chosen indifferently from the said Town or District, or the Districts of *Greenfield* or *Conway*, already joined with the said Town of *Deerfield*, the Pay and Allowance of such Representative or Representatives to be borne by the said Town and the said Districts according to their respective Proportions of the Province Tax; and that the said Town of *Deerfield*, as often as they shall call a Meeting for the Choice of a Representative or Representatives, shall from Time to Time give seasonable Notice to the Clerk of the said District of *Shelburne*, for the Time being, of the Time and Place for holding said Meeting to the end said District may join therein, and the Clerk of the said District shall set up in some public Place in said District a Notification thereof accordingly: The Meeting for the Choice of a Representative or Representatives to be held in the said Town of *Deerfield*, and to be regulated by the Selectmen of the said Town of *Deerfield*.

To join with *Deerfield* &c. in choosing Representatives.

Town of *Deerfield* to notify the Time for such Choice, to be made in said Town.

*Shelburne* to pay their Proportion of Taxes, as herein set forth.

*And be it further enacted*, That the said District of *Shelburne* shall pay their Proportion of all Town, County, and Province Taxes already set on or granted to be raised, as if this Act had not been made; and that of the Sum set on the said Town of *Deerfield* as their Proportion with other Towns to a Tax of One Thousand Pounds for the future, the

said

said Town of *Deerfield* shall retain the said Sum, except the Sum of Eight shillings and six Pence, which shall be deducted from the said Sum set on the said *Deerfield*, and put on the said District of *Shelburne*, as their Proportion of public Taxes.

*Thomas Williams*, Esq; to notify the first Meeting.

*And be it further enacted*, That *Thomas Williams* Esq; be and hereby is impowered to issue his Warrant, directed to some principal Inhabitant in the District of *Shelburne*, requiring him to warn the Inhabitants of the said District to meet and assemble at some convenient Time and Place in said District, in order to chuse such Officers as by Law Towns are impowered to chuse in the Month of *March* annually.

Qualification of Voters.

*And be it also further enacted*, That the Inhabitants of the said District of *Shelburne*, who in the last Tax in the Town of *Deerfield* were rated one Half Part so much for their Estates and Faculties as for one single Poll, shall be allowed to vote in their first Meeting, and such other Meetings as may be called in said District, until a Valuation of Estates shall be made by Assessors there.

## CHAP. V.

## An Act for erecting the new Plantation called Number Three, in the County of *Hampshire*, into a Town by the Name of *Worthington*.

Preamble.

*WHEREAS the erecting the new Plantation, called Number Three, in the County of* Hampshire, *into a Town, will greatly encourage and forward the further Settlement thereof, and remove many Difficulties the Inhabitants already settled there at present labour under:*

Bounds of the Town of *Worthington*.

*Be it therefore enacted, by the Governor, Council, and House of Representatives*, That the new Plantation called Number Three, in the County of *Hampshire*, bounding Easterly on *Chesterfield*, Southerly partly on *Murrayfield*, and partly on *Becket*, Westerly partly on a new Township called *Hartwood*, and partly on the new Township Number Two, Northerly on the new Township Number Five, (being the Township which by a Committee of this Court was in the Year One Thousand seven Hundred and Sixty-two, sold at Public-Vendue to *Aaron Willard*, Esq; in Behalf of himself and others;) be, and hereby is made a Town by the Name of *Worthington*; and the Inhabitants thereof are hereby invested with all the Powers, Privileges and Immunities that the Inhabitants of other Towns within this Province enjoy.

Preamble.

*And whereas the said* Aaron Willard, *Esq; purchased the Lands of the said Township from the Province for himself, and* John Worthington, Josiah Dwight, Timothy Dwight, *junr. and* Salah Barnard, *Esqrs. to hold the same in the following Proportion*, viz. *the said* John, Josiah, Timothy *and* Aaron *to hold each one Sixth Part thereof, and the said* Salah *one Third Part thereof, and by Deeds between themselves mutually executed, settled the same among themselves in that Proportion, excepting three publick Rights, or sixty third Parts, and one Right, or sixty-third Part thereof by them first sold and conveyed to one* ——— Clap; *and the said Purchasers afterwards surveyed and laid out great Part of the said Lands into Hundred Acre Lots; and in their Meetings as Proprietors have divided the greater Part thereof among themselves, to hold the same in Severalty: And in order to bring forward and complete the Settlement of the same Lands, and for the Fulfilment and Performance of the Conditions*

*ditions of the Grant thereof, the ſaid Purchaſers have each of them been diſpoſing and conveying ſuch Hundred Acre Lots to Perſons who have engaged to ſettle thereon, and have covenanted with ſaid original Purchaſers reſpectively, to do the Duties of Settlers, and to pay certain Proportions, viz. Each a ſixtieth Part of the Coſt and Charge of building a Meeting-Houſe, and ſettling a Miniſter there:*

Inhabitants and original Purchaſers impowered to chooſe Officers

*Be it enacted*, That the Inhabitants of ſaid Town, ſuch of them as have undertaken to ſettle ſuch Rights, and to contribute any Part or Proportion towards the building a Meeting-Houſe, and ſettling a Miniſter as aforeſaid, together with ſuch of the original Purchaſers of ſaid Lands, who have not engaged a ſufficient Number of Settlers in Proportion to their original Share in ſaid Town, be, and they are hereby impowered at a Meeting to be called for that Purpoſe, agreeable to the Directions of an Act of this Province, made in the Twelfth Year of the Reign of her late Majeſty Queen ANN, intitled, An Act, directing *how Meetings of Proprietors of Lands lying in Common, may be called*; to chuſe a Clerk, Treaſurer, Aſſeſſors and Collectors, and any other Officer or Officers that Proprietors of Common Lands may chuſe, the Votes always to be collected according to the Intereſt; and at ſuch Meeting or at any future Meeting called agreeable to the Directions of the Act aforeſaid, may agree upon and grant any Sum or Sums of Money they may think proper for any or either of the Purpoſes aforeſaid, to be aſſeſſed on the ſeveral original Purchaſers or their Aſſignees of the Lands there as aforeſaid, according to their ſeveral Intereſts therein, and the Contract and Obligations they have made thereabout.

and to grant Monies.

Preamble.

*And to the End that the Proportions of the ſeveral Purchaſers aforeſaid in ſaid Lands, and the Aſſignees to whom they have reſpectively conveyed any Part of the ſame, under Contract of doing any Share of the ſettling Duties aforeſaid, may be the better known in ſaid Town:*

Original Proprietors to file with the Clerk a Liſt of the Perſons he has agreed with as Settlers, to regulate the Aſſeſſors in making Aſſeſſments.

*Be it enacted*, That each and every of the original Proprietors aforeſaid, ſhall file with the Clerk of the ſaid Town, within three Months after his Choice and Acceptance of ſaid Office, an Account of his original Share in ſaid Townſhip, and a Liſt of the Names of the ſeveral Perſons to whom he has conveyed any Part of his Lands there under Contract of doing any ſettling Duties there, with Account of what Proportion of ſuch Duties each Aſſignee has engaged to perform; and that ſuch Liſt and Account ſhall be the Rule by which the Aſſeſſors ſhall proceed in making ſuch Aſſeſſments againſt any Perſons as Aſſignees of ſaid original Purchaſers, and if any of ſuch original Purchaſers ſhall not make Return to ſuch Clerk of ſuch a Number of Aſſignees engaged to do and perform ſuch Duties of Settlement as ſhall be his Proportion of Duties according to his Share of ſaid Lands there, the Aſſeſſors ſhall aſſeſs what remains on his own Lands 'till ſuch original Purchaſers ſhall make further Return to ſuch Clerk of any other or new Aſſignee of any of his Lands who ſhall have engaged the Performance of any Part of his Duty of Settlement; in which Caſe ſuch Part ſhall for the future be ſet upon ſuch Aſſignee.

*And be it further enacted*, That if any ſuch original Purchaſer, or any of their Aſſignees ſhall refuſe or neglect to pay any Taxes that may be ſet on them or their Lands, agreeable to this Act, for either of the Purpoſes aforeſaid, the Aſſeſſors of ſuch Taxes that ſhall be from Time to Time, ſhall be and hereby are impowered to make Sale of any ſuch Delinquents Lands there for the Payment thereof, they conforming therein to the Directions and Regulations ſpecified and contained in an Act of this Province that was made in the ſecond Year of his preſent

Majeſty's

Majeſty's Reign, intitled, An Act *to ſubject the un-improved Lands within this Province to be Sold for Payment of Taxes aſſeſſed on them by Order of the Great and General Court*, and Votes and Agreements of the Proprietors thereof, and to enable Proprietors of new Plantations to levy Province and County Taxes laid upon them.

*And to prevent any Injuſtice to any of the Inhabitants of the ſaid Town, or other Proprietors of Lands there, by Means of any falſe Return againſt him (by any original Purchaſer) as his Aſſignee liable and ſubject by Contract to do any Duty of Settlement, which he has not undertaken, and thereby being ſubjected to an unreaſonable Aſſeſſment upon him in Conſequence of ſuch falſe Return:* Preamble.

*Be it enacted*, That if any ſuch original Purchaſer ſhall falſly return any Perſon as his Aſſignee of any Lands in ſaid Town, and as liable and engaged to do any Duty of Settlement on his Behalf, which ſuch Perſon is not liable or engaged to perform, and ſuch Perſon ſhall by Means thereof, be ſubjected to any unjuſt Aſſeſſment, againſt the true Deſign of this Act, and ſhall actually ſuffer any Loſs or Damage thereby, he ſhall be, and is hereby intitled to treble the Damages he ſhall ſo ſuffer, to be recovered with Coſts againſt ſuch original Purchaſers, by Action of Debt to be brought by Virtue of this Act. Penalty on original Purchaſers for returning a falſe Liſt.

*And be it further enacted*, That *Iſrael Williams*, Eſq; be, and hereby is impowered to iſſue his Warrant, directed to ſome principal Inhabitant of ſaid Town, requiring him to call a Meeting of ſaid Inhabitants, in order to chuſe ſuch Officers as by Law Towns are impowered to chuſe in the Month of *March* annually. *Iſrael Williams*, Eſq; impowered to call a Meeting of the Inhabitants.

## CHAP. VI.

## An Act for incorporating the Second Pariſh of *South-Hadley*, in the County of *Hampſhire*, into a Town by the Name of *Granby*.

*WHEREAS the Inhabitants of the ſecond Pariſh of* South-Hadley, *labour under many Difficulties and Inconveniences, by Reaſon of their not being incorporated into a Town:* Preamble.

*Be it enacted by the Governor, Council, and Houſe of Repreſentatives*, That the ſecond Pariſh in the Diſtrict of *South-Hadley*, with the Inhabitants and their Lands as hereafter deſcribed, *viz.* Beginning at a Pine-Tree, marked ſtanding in *Springfield* Line One hundred and ſixty-Perch Weſt of Stoney-Brook; and on the Edge of a large graſſy Pond, and from ſaid Tree to run North ſix Degrees Weſt to a Ditch ten Rods Eaſt of *Ebenezer Snow*'s Houſe; thence North ſeven Degrees thirty Minutes Weſt One hundred and fifty-five Perch to Stoney-Brook at the South-Side of *Benjamin Church*'s Lot, and then down ſaid Brook to the Northeaſt Corner of the Bridge called *Church*'s-Bridge over ſaid Brook, and from thence to the Southweſt Corner of *Nathan Smith*'s Home-Lot; from thence to the Northweſt Corner of the Heirs of *Samuel Moody*'s Houſe-Lot to a Stake and Stones on the Southerly Side of the Road leading up Cold-Hill; then running Eaſterly upon the Southerly Side of ſaid Road until it comes to the Road leading from ſaid Cold-Hill to *Phineas Smith*'s; then running on the Southerly and Southweſterly Side of ſaid Road until it comes to the County-Road leading from *Amherſt* to the Weſt Meeting-Houſe in ſaid *South-Hadley*; then running Northerly; and on the Eaſterly Side of ſaid County-Road until it comes to the Land of the Heirs of Peter *Montague*; and then to run Eaſterly in the Dividing-Line between ſaid *Montague*'s Heirs Bounds of the Town of *Granby* deſcribed.

and *Phineas Smith*'s Land until it comes to the Land of *Hezekiah Smith*; then to run on the Easterly Side of *Moses Montague*'s Land, and Land of the Heirs of *Peter Montague* deceased, until it comes to Batchellors-Brook; then up said Brook until it comes to the Dividing-Line on the North-Side of said Brook between *Joseph Moody*'s and *Eleazer Nash*'s Land; then running Northerly in said Dividing-Line until it comes to the County-Road aforesaid; thence Northerly a strait Line until it comes to where the Road leading to *Noah Moody*'s crosses *Elmer*'s Brook so called; then on the Easterly Side said Road so far as the same is laid out; and from thence North six Degrees and an half West to the Northerly Line of said District; be, and hereby is incorporated into a Town by the Name of *Granby*; and that the said Town be invested with all the Powers, Privileges and Immunities that other Towns in this Province do or may by Law enjoy, that of sending a Representative to the General Assembly only excepted; and that the Inhabitants of the said Town shall have full Power and Right from Time to Time to join with the Town of *Hadley* in the Choice of a Representative or Representatives, who may be chosen from any or either of the Towns or Districts within the original Limits of the antient Town of *Hadley*, and be subject to pay their proportionable Part of the Charge: In which Choice they shall enjoy all the Privileges which by Law they would have been intitled to, if this Act had not been made: And the Selectmen of the Town of *Hadley* shall issue their Warrant to one or more of the Constables of the Town of *Granby*, requiring them to notify the Inhabitants of the Town of *Granby*, of the Time and Place of their Meeting for such Choice: *Provided however*, *And be it further enacted*, That the Land of *Phineas Smith*, not included by the Line aforesaid within the Town of *Granby*, be annexed to and considered and accounted as Part of the said Town of *Granby*, and shall enjoy Privileges and do Duties there as Part and Parcel of the same.

*Granby* to join with *Hadley*, &c. in the choice of Representatives.

to be notified of the Time and Place of Meeting.

*And be it further enacted*, That the Dividing-Line between the Town of *Granby*, and the first Parish of *South-Hadley*, be, and hereby shall be the Parish-Line for the future.

South-*Hadley* Parish Line described.

*And be it further enacted*, That the said Town of *Granby* shall have their Proportion of the Monies in the Treasury of the District of *South-Hadley* that are not appropriated; and also their Proportion of what is assessed and not collected, shall be divided between the said Town of *Granby* and the first Parish in *South-Hadley*, agreeable to the last Province Tax; and also the said Town of *Granby* shall have their Proportion in the Town Stock of Ammunition, School-Money, Weights and Measures, Pound and Stocks, and School-House.

*Granby* to have their Proportion of Town Stock.

*And be it further enacted*, That the Expence to which the District of *South-Hadley* are subjected for the Support of their present Poor, shall for the future be borne and discharged by the said District, and the said Town in the Proportion as they paid to the Province Tax set on said *South-Hadley* for the last Year.

and to pay their Proportion of the Charge of the Poor.

*Provided nevertheless*, *And be it further enacted*, That the said Town of *Granby* shall pay their Proportion of all Town, County and Province Taxes already set on, or granted to be raised by said District of *South-Hadley*, as if this Act had not been made.

and of all Town County and Province Taxes.

*And be it further enacted*, That *Eliezer Porter*, Esq; of *Hadley*, be, and hereby is impowered to issue his Warrant directed to some principal Inhabitant in said Town of *Granby*, requiring him to notify and warn the Inhabitants of said Town, qualified by Law to vote in Town-Affairs, to meet at such Time and Place as shall be therein set forth, to chuse all such Officers as shall be necessary to manage the Affairs of the said Town.

*Eleaz'r Porter* Esq; to call a Meeting of the Inhabitants.

# Act of Parliament,

Paſſed in the Seventh Year of the Reign of His Majeſty King *GEORGE* the Third. 1767.

## CHAP. II.

An Act to amend ſo much of an Act made in the laſt Seſſion of Parliament, intituled, *An Act for repealing certain Duties in the* Britiſh *Colonies and Plantations, granted by ſeveral Acts of Parliament; and alſo the Duties impoſed by an Act made in the laſt Seſſion of Parliament upon certain* Eaſt-India *Goods exported from* Great-Britain; *and for granting other Duties inſtead thereof; and for further encouraging, regulating, and ſecuring, ſeveral Branches of the Trade of this Kingdom, and the* Britiſh *Dominions in* America, as relates to the Exportation of non-enumerated Goods from the *Britiſh* Colonies in *America*.

Preamble, reciting Clauſe in Act 6 *Geo.* III.

WHEREAS by an Act made in the laſt Seſſion of Parliament, intituled, *An Act for repealing certain Duties, in the* Britiſh *Colonies and Plantations, granted by ſeveral Acts of Parliament; and alſo the Duties impoſed by an Act made in the laſt Seſſion of Parliament upon certain* Eaſt-India *Goods exported from* Great-Britain; *and for granting other Duties inſtead thereof; and for encouraging, regulating, and ſecuring, ſeveral Branches of the Trade of this Kingdom, and the* Britiſh *Dominions in* America; it is, amongſt other Things, enacted, that Bond and Security, in the Penalties in the ſaid recited Act mentioned, ſhall be given to the Collector or other Principal Officer of the Cuſtoms, at any Port or Place in any of the *Britiſh American* Colonies or Plantations, with One Surety beſides the Maſter of every Ship or Veſſel that ſhall lade or take on Board there any non-enumerated Goods, with Condition, that ſuch Goods ſhall not be landed at any Part of *Europe* to the Northward of *Cape Finiſterre*, except in

in *Great-Britain:* And whereas *Ireland* ſhould have been excepted in the ſaid Act as well as *Great-Britain:* Be it therefore enacted and declared by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That any non-enumerated Goods laden as aforeſaid, in any *Britiſh-American* Colony or Plantation, may be landed in *Ireland*; and that the ſaid recited Act, and all the Regulations therein contained, ſo far as the ſame relate to the Bond and Security for landing ſuch non-enumerated Goods in *Great-Britain*, ſhall extend, and be conſtrued to extend, to *Ireland* alſo, as fully and effectually to all Intents and Purpoſes as if *Ireland* had been excepted and named in the ſaid Act; and that any Bond which may have been entered into in purſuance of the ſaid recited Act, not to land any non-enumerated Goods in any Part of *Europe* to the Northward of *Cape Finiſterre*, except in *Great-Britain*, ſhall and may be cancelled and diſcharged by the like Certificate under the Hands and Seals of the Collector and Comptroller, or other Principal Officer of the Cuſtoms at any Port in *Ireland*, teſtifying the Landing ſuch Goods there, in the ſame Manner as if the ſaid Goods had been landed in *Great-Britain*; any thing in the ſaid recited Act to the contrary notwithſtanding.

Non enumerated Goods, laden in any *Britiſh American* Colony, may be landed in *Ireland*.

The recited Act, ſo far as it relates to the Bond and Security for landing ſuch non enumerated Goods in *Great Britain*, extended to *Ireland*, &c.

*BOSTON*; *N. E.*

Printed by RICHARD DRAPER, and GREEN and RUSSELL, Printers to the GOVERNMENT. 1768.